

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Statement of Decision to Certify that the work required by a Repairing Standard Enforcement Order has been completed: Housing (Scotland) Act 2006, Section 60

Chamber Ref: FTS/HPC/RT/19/3404

Gas House, Balgray, Lockerbie, DG11 2JT

("the property")

The Parties:-

Dumfries and Galloway Council, Community & Customer Services, Strategic Housing Services, Municipal Chambers, Buccleuch Street, Dumfries DG1 2AD
("the third party applicant")

Michael Jardine-Paterson, Balgray Estate, Balgray House, Lockerbie, Dumfriesshire, DG11 2JT

("the respondent")

Savills, 28 Castle Street, Dumfries, DG1 1DG

("the respondent's agents")

Tribunal Members:

Adrian Stalker (Chairman) and Andrew McFarlane (Ordinary Member)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), decided to certify that the work required by the Repairing Standard Enforcement Order ("RSEO") of 6 February 2020, has been completed, with effect from the date of service of this decision, and the relative certificate under section 60.

Finding and reasons for decision

1. Reference is made to the Tribunal's determination in this case, and the RSEO of 6 February 2020.

2. The Property was re-inspected by Ordinary (Surveyor) Member on 24 June 2021. The Ordinary Member found that:

1. A replacement porch had been provided which was found to be wind and watertight.
2. A new space heating system had been installed. This comprised an external package boiler, external oil storage tank and a system of pipes and radiators throughout the property. The tenant confirmed this was operational as it was not programmed to operate at the time of the inspection.
3. The handle on French door in the living room had been replaced and was operational.

The Ordinary Member therefore concluded that necessary remedial work envisaged by the RSEO has been completed, and there are no outstanding repairs.

3. Accordingly, the Tribunal decided to certify that the work required by the RSEO has been completed. The section 60 Certificate is referred to for its terms.

4. The decision of the Tribunal was unanimous.

5. In terms of section 63 of the Housing (Scotland) Act 2006, this decision, and the variation, have effect from the date on which it is served.

6. In terms of section 46 of the Tribunals (Scotland) Act 2014, a party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

7. Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed

A Stalker

Date

30 July 2021

Chairman