

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Completion of Work: Housing (Scotland) Act 2006 Section 60

Chamber Ref: PRHP/RP/15/0155

Re: Property at 6 Salutation House, Carsphairn DG7 3TQ ("the Property")
The Parties:-

Title Number: KRK10261

Miss Zoe Marshall, sometime 6 Salutation House, Carsphairn DG7 3TQ ("the Tenant")
and

(Formerly) Ryan Maginess, 32 Masonfield Avenue, Cumbernauld G68 9DU and having a place of business at The Hub, Vicar Street, Falkirk FK1 1LL, now Purple Property Holdings Limited, a British Virgin Islands registered company 1906875 ("the Landlord")

Tribunal Members; George Clark (Legal Member/Chair) and Mike Links (Ordinary/surveyor Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 18 August 2015 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

Right of Appeal

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.

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.

In witness whereof these presents typewritten on this and the preceding page are executed by George Barrie Clark, solicitor, Lasswade, Legal Member/chair of the tribunal at Lasswade, Midlothian on 9 October 2018 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

G Clark

v Clark

_____. Legal Member/Chair

_____. witness

Housing and Property Chamber
First-tier Tribunal for Scotland



Notice of Revocation of a Rent Relief Order made under Section 27(4) of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/15/0155

Re: Property at 6 Salutation House, Carsphairn DG7 3TQ ("the Property")

Title No: KRK10261

The Parties:-

Miss Zoe Marshall, sometime 6 Salutation House, Carsphairn DG7 3TQ ("the Tenant")

and

(Formerly) Ryan Maginess, 32 Masonfield Avenue, Cumbernauld G68 9DU and having a place of business at The Hub, Vicar Street, Falkirk FK1 1LL, now Purple Property Holdings Limited, a British Virgin Islands registered company 1906875 ("the Landlord")

Tribunal Members; George Clark (Legal Member/Chair) and Mike Links (Ordinary/surveyor Member)

NOTICE TO Purple Property Holdings Limited
("the Landlord")

The First-tier Tribunal for Scotland Housing and Property Chamber ("the Tribunal") determined on 1 October 2018 that the work required by the Repairing Standard Enforcement Order relative to the Property made on 18 August 2015 has been completed and that a Certificate of Completion of Work to that effect should be issued in terms of Section 60 of the Housing (Scotland) Act 2006 ("the Act"). The Tribunal also determined that, consequently, the Rent Relief Order in respect of the Property made on 30 October 2015 should be revoked in terms of Section 27(4) of the Act.

Right of Appeal

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.

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In witness whereof these presents typewritten on this and the preceding page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the tribunal at Lasswade, Midlothian on 9 October 2018 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

V Clark

G Clark

__witness__

__Legal member/Chair

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the Private Rented Housing Committee under Section 60 of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/15/0155

Re: Property at 6 Salutation House, Carsphairn DG7 3TQ ("the Property")

The Parties:-

Miss Zoe Marshall, 6 Salutation House, Carsphairn DG7 3TQ ("the Tenant")

(Formerly) Ryan Maginess, 32 Masonfield Avenue, Cumbernauld G68 9DU and having a place of business at The Hub, Vicar Street, Falkirk FK1 1LL, now Purple Property Holdings Limited, a British Virgin Islands registered company 1906875 ("the Landlord")

Tribunal Members: George Clark (Legal Member/Chair) and Mike Links (Ordinary/surveyor Member)

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had carried out the works required by the Repairing Standard Enforcement Order in respect of the Property made on 18 August 2015, determined that the work had been completed and that a Certificate of Completion of Works should be issued under Section 60 of the Housing (Scotland) Act 2006 and that the Rent Relief Order in respect of the Property made on 16 November 2015 should be discharged .

Background

1. By application dated 12 May 2015, received on 14 May 2015, the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:-
 - (a) the house is wind and water tight and in all other respects reasonably fit for human habitation,
 - (b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
 - (c) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
 - (d) any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order, and
 - (e) the house has satisfactory provision for detecting fires and for giving warning in the event of a fire or suspected fire.
3. The Private Rented Housing Committee inspected the Property on the morning of 18 August 2015. The Committee comprised George Clark (chairman) and Mike Links (surveyor member).
4. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Kenbridge Hotel, Ayr Road, New Galloway, Castle Douglas and heard from the Tenant. The Landlord was not present or represented at the hearing or at the earlier inspection.
5. Following the inspection and hearing, the Committee made a Repairing Standard Enforcement Order ("the Order") in respect of the Property.
6. The Order required the Landlord:
 - 1) To obtain and exhibit to the Committee an Electrical Installation Condition report in respect of the Property.
 - 2) To instruct suitably qualified electrical and plumbing contractors to complete the installation of the Triton Cara power shower in the bathroom.

- 3) To instruct a suitably qualified central heating specialist to prepare a report on the central heating system in the Property, including thermostatic valves. The report must, in particular, include confirmation as to whether the boiler is in proper and safe working order, is adequately vented and whether the flue to the external wall of the Property is properly sealed. Any remedial work recommended in the report must be carried out, by suitably qualified tradesmen.
- 4) To carry out such works as are necessary to bring the system within the Property for detecting fires and for giving warning in the event of fire or suspected fire up to the standard recommended in the Scottish Government's revised statutory guidance for smoke alarms in private lets and to the standard set out in the revised Domestic Technical Handbook.

The Private Rented Housing Committee ordered that the works specified in the Order must be carried out and completed within the period of four weeks from the date of service of the Notice of the Order.

7. The surveyor member of the Committee reinspected the Property on 30 October 2015 and reported to the Committee that none of the work required by the Order had been carried out. The Committee proceeded to make a Rent Relief Order in respect of the Property, the amount of rent relief being set at 50%.
8. The Committee reinspected the Property on 9 November 2016 and, following the reinspection, the Committee held a hearing at Castle Douglas Community Centre, Cotton Street, Castle Douglas DG7 1AJ. The Committee determined that the Landlord had carried out Items 1), 2) and 4) required by the Repairing Standard Enforcement Order, but that, as Item 3) remained outstanding, it could not issue a certificate in terms of section 60 of the Act or discharge the Rent Relief Order.
9. The functions of the Private Rented Housing Panel were transferred to the First-tier Tribunal for Scotland Housing and Property Chamber with effect from 1 December 2016 and the Committee members were appointed to the Tribunal in connection with this application.
10. A further reinspection and hearing were arranged for 17 August 2017, but the Tribunal was unable to gain entry to the Property and the matter was continued to a later date for a further inspection and hearing. These were arranged for 7 September 2018, but when the Tribunal arrived to inspect the Property, the Landlord's agent was unable to open the entrance door to the Property, due to a faulty lock. It was agreed at that time that the Ordinary/Surveyor member of the Tribunal would carry out a reinspection on 1 October 2018, but that a further hearing would not be required.
11. On 1 October 2018, the Ordinary/Surveyor member of the Tribunal reinspected the Property. A copy of the reinspection report is annexed to and forms part of this Statement of Decision. He reported that a new

electric heating system has been installed in the Property with radiators throughout, apart from the bathroom and that the heating system was functioning at the time of the inspection. The original oil-fired central heating system was, therefore, redundant. All the water-filled radiators had been removed and, whilst the oil tank and the boiler remain, it is understood that they have been disconnected.

Summary of the issues

12. The issues to be determined were whether the Landlord had carried out the works required by the Repairing Standard Enforcement Order and whether a Certificate of Completion to that effect should be issued and the Rent Relief Order discharged.

Findings of fact

13. The Committee finds the following facts to be established:-

- The Committee has seen an Electrical Installation Condition Report in respect of the Property.
- The installation of the power shower in the bathroom has been completed and, when tested at an reinspection, was found to be in working order.
- Smoke detectors have been fitted in the hallway and living room and a heat detector has been installed in the kitchen. They are mains-wired and interconnected.
- There is a carbon monoxide detector in the cupboard which houses the central heating boiler.
- A central heating programmer and room thermostat have been fitted in the Property.
- The oil-fired central heating system has been completely replaced by a new electrical heating system, which, at the time of inspection on 1 October 2018, was functioning.

Reasons for the decision

14. The Landlord has carried out all the work required by the Repairing Standard Enforcement Order.

Decision

15. The Tribunal accordingly determined that the Landlord had carried out all the works required by the Repairing Standard Enforcement Order and that a Certificate of Completion of Works should be issued in terms of section 60 of the Act and that the Rent Relief Order in respect of the Property should be discharged.

16. The decision of the Tribunal was unanimous.

Right of Appeal

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.

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G Clark

Signed...

Legal Member/Chair

.....Date. 9 October 2018.....

This is the Response Report
of 1 October 2018 referred to in
the foregoing
Statement of
Duncan
G Clark
(Deputy Chair
9/10/18)

Housing and Property Chamber

First-tier Tribunal for Scotland



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

RE-INSPECTION REPORT



PROPERTY: 6 Salutation House, Carsphairn DG7 3TQ

HPC REF No: PRHP/RP/15/0155

SURVEYOR: Mike Links

IN ATTENDANCE: Mr A Sharp (Landlord's agent)

Duncan Millar

(Clerk to the Tribunal)

WEATHER: At the time of the inspection the weather was overcast and dry.

ACCESS: I re-inspected the property on Monday 1st October 2018 at 10am approx..

RSEO:

The following works are required by the RSEO following on from the Inspection and Hearing on 18th Aug 2015.

1. To obtain and exhibit to the Committee an Electrical Installation Condition report in respect of the Property.
2. To instruct suitably qualified electrical and plumbing contractors to complete the installation of the Triton Cara power shower in the bathroom.
3. To instruct a suitably qualified central heating specialist to prepare a report on the central heating system in the Property, including thermostatic valves. The report must, in particular, include confirmation as to whether the boiler is in proper and safe working order, is adequately vented and whether the flue to the external wall of the Property is properly sealed. Any remedial work recommended in the report must be carried out, by suitably qualified tradesmen.
4. To carry out such works as are necessary to bring the system within the Property for detecting fires and for giving warning in the event of fire or suspected fire up to the standard recommended in the Scottish Government's revised statutory guidance for smoke alarms in private lets and to the standard set out in the revised Domestic Technical Handbook.

Since the Inspection and Hearing on 18th August 2015, a re-inspection was undertaken on 30th October 2015 when it was reported that none of the required works specified in the RSEO had been attended to.

Thereafter a further Inspection and Hearing was undertaken on the 9th November 2016 at which time Items Nos 1, 2 and 4 in the RSEO were found to be satisfactorily completed. Item 3 remained outstanding.

On the 17th August 2017 another Inspection and Hearing was undertaken. The Tribunal was unable to gain entry to the property and could not determine whether the landlord had completed the work required by the RSEO. It was agreed to continue the matter for a further Inspection and Hearing to be arranged.

That date was arranged for 7th September 2018. Regretfully, the landlord's agent was unable to open the door to the property due to a faulty key/lock. It was agreed at that time to undertake a re-inspection on 1st October 2018.

All Decisions and Reports relative to the above should be read in conjunction with this report.

WORKS IN RSEO UNDERTAKEN:

As indicated above items Nos 1,2 and 4 were previously carried out.

Item 3. A new electric heating system has been installed with radiators throughout with the exception of the bathroom. The heating system is functioning.

The original oil fired central heating system is now redundant. All the water filled radiators have been removed and whilst both the oil tank and boiler remain in situ it is understood they have been disconnected.



Redundant oil tank



Redundant boiler



Living Rm - new electric rad.



Kitchen – new electric rad.



Bathroom – original rad removed.



Hall – new electric rad.



Bedroom – new electric rad



Bedroom – new electric rad.

WORKS IN RSEO OUTSTANDING: None

RECOMMENDATION:

Once the re-inspection report is forwarded to the Landlord for comment the Tribunal will then decide what further action is required.

Mike Links

Ordinary Member (Surveyor)

Housing and Property Chamber

Date: 1st October 2018