

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/16/0203

Title No: AYR81556

**2 McIlvanney Drive, Kilmarnock, KA3 1EY
("The Property")**

The Parties:-

**Mr. Gaurav Verma and Mrs. Neha Verma, formerly residing at the property
("the former Tenants")**

**Mr. Anthony Martin and Mrs. Emer Martin, 15 Woodfield Grove, Jordanstown,
Newtownabbey, County Antrim, BT37 0ZP ("the Landlords")**

The Decision

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 served on 1 December 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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 type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 1 Atlantic Quay, Glasgow, chairperson of the tribunal at Glasgow on 19 March 2017 before this witness:-

Nicolas Pryce

_____ witness

Patricia Pryce

NICOLAS PRYCE name in full

55 BLYTHWOOD ST
GLASGOW Address

Chair and Legal Member



Housing and Property Chamber First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)

Chamber Ref: PRHP/RP/16/0203

Title no: AYR81556

**2 McIlvanney Drive, Kilmarnock, KA3 1EY
("The Property")**

The Parties:-

**Mr. Gaurav Verma and Mrs. Neha Verma, formerly residing at the property
("the former Tenants")**

**Mr. Anthony Martin and Mrs. Emer Martin, 15 Woodfield Grove, Jordanstown,
Newtownabbey, County Antrim, BT37 0ZP ("the Landlords")**

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal"), having made such enquiries as it saw fit for the purposes of determining whether the Landlords had complied with the Repairing Standard Enforcement Order dated 23 November 2016 in respect of the property, and taking account of the written information provided by the Landlords, determined that the Landlords have complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Patricia Anne Pryce	-	Chairing Member
Mike Links	-	Ordinary Member

Background

1. On 23 November 2016, the Private Rented Housing Committee (“the Committee”) (which was succeeded by the tribunal on 1 December 2016) issued a determination which stated that the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”). On the same date, the Committee issued a Repairing Standard Enforcement Order (“RSEO”) in respect of the property.
2. The RSEO made by the Committee required the Landlords:-
 - (a) To investigate the cause of the leak of water emanating from the bathroom and thereafter to effect all repairs necessary to resolve the leak and to make good any decoration in the kitchen and the bathroom caused by the leak.
 - (b) To investigate the cause of the low water temperature of the hot water supply to the bath and to undertake all necessary repairs to ensure that the hot water supply is reinstated to an adequate level.
3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within 21 days of the date of service of the Notice, that is, by 22 December 2016.
4. After sundry procedure, the tribunal received correspondence from the Landlords’ solicitors dated 16 February 2017 confirming that all of the works in terms of the RSEO had been completed.
5. A re-inspection of the property took place on 8 March 2017 by the Ordinary Member. He found that all of the works in the RSEO had taken place. The Ordinary Member’s re-inspection report dated 8 March 2017 is attached to this decision.
6. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Committee was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, a landlord, tenant or third party applicant 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.

Patricia Pryce

Chair and Legal Member



19 March 2017

Date

Housing and Property Chamber First-tier Tribunal for Scotland



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

RE-INSPECTION REPORT



PROPERTY: 2 McIlvanney Drive, Kilmarnock KA3 1EY

HPC REF No: PRHP/ RP/16/0203

SURVEYOR: Mike Links

IN ATTENDANCE: Stephen McCluskey, Property Manager, Waddell & Mackintosh
(Landlord's Agent)

WEATHER: Dry and overcast.

ACCESS:

I re-inspected the property on Wednesday 8th March 2017 at 9.35am. The appointment was arranged for 10am. However, Mr McCluskey and I arrived early and the agent was happy to permit my inspection before 10am..

RSEO:

The following works are required by the RSEO following on from the inspection and Hearing on 23rd November 2016.

- (a) To investigate the cause of the leak of water emanating from the bathroom and thereafter to effect all repairs necessary to resolve the leak and to make good any decoration in the kitchen and bathroom caused by the leak.
- (b) To investigate the cause of the low water temperature of the hot water supply to the bath and to undertake all necessary repairs to ensure that the hot water supply is reinstated to an adequate level.

A re-inspection was undertaken on the 13th January 2017. This report should be read in conjunction with the report dated 13th January 2017.

At that time all the works detailed in the RSEO had been satisfactorily completed with the exception of the re-instatement of internal decoration, where necessary.

WORKS IN RSEO UNDERTAKEN::

The re-decoration has been satisfactorily re-instated.



Kitchen –redecorated.



Bathroom – completely lined out.

WORKS IN RSEO OUTSTANDING:

None.

CARBON MONOXIDE DETECTOR

**The carbon monoxide detector is located in the hall at a height of 5 feet or thereby.
The gas central heating boiler is located at high level within the kitchen.
The Landlord is advised to have the detector correctly positioned.**



Carbon monoxide detector.

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: 8th March 2017