

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/RT/16/0250

Title No: REN 81543

Property at Flat 1/1 23 George Street, Paisley PA1 2LB (“The Property”)

The Parties:-

**Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1BR
 (“the Third Party Applicant”)**

Ian Tennie, 63 Victoria Road, Paisley, PA2 9PT (“the Landlord”)

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 dated 11 October 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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.

In witness whereof these presents type written are executed by Josephine Bonnar, solicitor, Chairperson of the Tribunal at Motherwell on 11 March 2017 before this witness:-

G Bonnar

J Bonnar

Witness

Chairperson

Name in full

Address

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

Chamber Ref: PRHP/RT/16/0250

Re: Property at Flat 1/1 23 George Street, Paisley PA1 2LB (“the Property”)

Title No: REN 81543

The Parties:-

**Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1BR
 (“the Third Party”)**

Ian Tennie, 63 Victoria Road, Paisley, PA2 9PT (“the Landlord”)

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 Landlord has complied with the Repairing Standard Enforcement Order (RSEO) relative to the property dated 11 October 2016 determined that the Landlord has complied with the Order and that a Certificate of Completion to that effect should be issued.

The Tribunal comprised:-

Mrs Josephine Bonnar, Chairperson

Mr Andrew Taylor, Ordinary Member

Background

1. By application received on 20 July 2016 the Third Party 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”).

had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").

2. The Application stated that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard. The Third Party stated that the Landlord had failed to ensure that (i) The house is wind and watertight and in all other respects reasonably fit for human habitation; (ii) 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, and (iv) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. Specifically the Third Party stated that the left living room window and left kitchen window are defective, there are no smoke detectors in the property and that the property is without hot water and heating following the decommissioning of a communal heating system on 30 June 2016. The application confirmed that the Tenant, Carol Anne Connelly, had been notified that the Third Party intended to make the application but that she did not want to be treated as a party to the application.
3. The Private Rented Housing Panel served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant on 22 August 2016.
4. Following service of the Notice of Referral the Third Party confirmed that they would attend the hearing. The Landlord also confirmed that he would attend the hearing.
5. The Private Rented Housing Committee inspected the property on the morning of 30 September 2016. The Landlord was present. The Third Party was not represented at the inspection.
6. Following the inspection of the property the Private Rented Housing Committee held a hearing at Wellington House, Wellington Street, Glasgow. The Landlord and Ms McIntosh from the Third Party attended and gave evidence. Ms McIntosh was accompanied by Dawn McEwan and Susannah Bradley, who were only there to observe and did not give evidence.
7. Following the hearing the Committee proceeded to make a Repairing Standard Enforcement Order (RSEO) in relation to the property. In terms of the RSEO the Landlord was required to (1) To provide a suitable heating and hot water system to fully replace the redundant district heating system, (2) To strip out the existing pipework and radiators and make good all damage to structure, finishes and decoration, (3) To repair or replace the living room and kitchen windows to ensure that they are wind and watertight and capable of being opened and closed correctly for ventilation

and cleaning, and (4) To provide and install hard wired interlinked smoke detection and alarm equipment in accordance with the British Standard on the design of fire detection installations for dwellings (BS5389 Part 6). The Landlord was required to complete the work within 8 weeks.

8. On 13 December 2016 the Landlord advised the Tribunal that his grant application for funding to install a new heating system at the property had been unsuccessful. He provided a copy of the decision letter which he had received advising him of the outcome. He further indicated that as the application had taken some weeks to be determined and had been unsuccessful he would require further time to carry out the works stipulated in the RSEO. He indicated that he could complete the work by the end of January 2017. The Third Party was asked to give their views on the request and indicated that they were neutral in relation to same.
9. On 28 December 2016 the Tribunal issued a Variation of the RSEO. In terms of the Variation the period allowed for completion of the works specified in the RSEO was extended to 31 January 2017.
10. On the 25 January 2017 the Landlord emailed the Tribunal office to advise that all work has now been completed. He submitted photographs of the property.
11. On the 16 February 2017 the Ordinary Member of the Tribunal re-inspected the property. A copy of his report is attached to this decision. The Ordinary Member noted that a suitable gas fired heating and hot water system has been provided. Existing pipework and radiators have been removed and finishes made good. Living room and kitchen windows have been repaired. A hard wired smoke detector has been fitted in the hall. However, no smoke detector has been installed in the living room nor has a heat detector been installed in the kitchen.
12. The re-inspection report was issued to parties. On the 2 March 2017 the Landlord sent an email with photographs to the Tribunal. These showed recently installed smoke and heat detectors in the living room and kitchen. No representations or response was received from the Third Party

Reason for decision

13. The Tribunal considered whether the work stipulated in the RSEO has been satisfactorily completed.
14. The Tribunal noted that the property is still unoccupied, the Tenant having vacated at the end of July 2016. On re-inspection the Ordinary Member noted that the de-commissioned heating system has been replaced by a gas fired heating system and that the radiators and pipework for the previous system have been removed and the finishes made good. The

defective windows have been repaired. Recent photographic evidence submitted by the Landlord on 2 March 2017 confirms that regulation compliant hard wired smoke and heat detectors have now been installed.

15. The Tribunal accordingly took the view that the work required in terms of the RSEO has been carried out and that a certificate of completion to that effect should be issued.

Decision

16. The Tribunal accordingly determined that the Landlord had complied with the RSEO and that a certificate of completion to that effect should be issued.

17. The decision of the Tribunal was unanimous

Right of Appeal

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Signed....

Josephine Bonnar, Chairperson

..Date 11 March 2017



Re-Inspection Report



Property – Flat 1/1 23 George Street, Paisley, PA1 1BR

Reference- PRHP/RP/16/0250

Surveyor – Andrew Taylor, MRICS

Previous Inspections – Full Committee – 30th September 2016

Re-Inspection – 2.00pm, 16th February 2017

Weather – Dry, overcast

In Attendance – Mr Ian Tennie, Landlord

Purpose of Re-inspection - To establish if the work required under the Repairs Standard Enforcement Order had been completed.

RSEO – In terms of the RSEO issued on 11th October 2016 the Landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and in particular the following specific areas: -

- a) To provide a suitable heating and hot water system to fully replace the redundant district heating system.

- b) To strip out existing pipework and radiators and make good all damage to structure, finishes and decoration.

- c) To repair or replace living room and kitchen windows to ensure that they are wind and watertight and capable of being opened and closed correctly for ventilation and cleaning.

- d) To provide and install smoke detection and alarm equipment in accordance with the British Standard on the design of fire detection installations for dwellings (BS5389 Part 6).

Works In RSEO Carried Out

- a) A suitable gas fired heating and hot water system has been provided.

- b) Existing pipework and radiators have been removed and finishes have been made good.

- c) Living room and kitchen windows have been repaired correctly.

- d) Although a new hard-wired smoke alarm has been provided to the hallway – this falls short of current legislative requirements.

Works In RSEO Outstanding at Inspection

- a) Provide smoke alarm to living room and heat alarm to kitchen in accordance with current legislation – all alarms should be hard-wired and interlinked

Photographs



Gas central heating boiler February 2017



Living room radiator February 2017



Kitchen radiator February 2017



Bedroom radiator February 2017



Kitchen window February 2017



Living Room window February 2017



Smoke alarm to hall February 2017

Andrew Taylor MRICS

Surveyor Member, Housing and Property Chamber, First-tier Tribunal For Scotland

17th February 2016