

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

**Property: 104 Jerviston Road, Glasgow G33 5QL (“the Property”/
“the house”)**

Title No: GLA89205

Chamber Reference: FTS/HPC/RP/18/2109

**Miss Stacey Tominey, 104 Jerviston Road, Glasgow G33 5QL
 (“the Tenant”)**

**Mr James McRobb Crawford, 18 Tillycairn Street, Glasgow G33
5HB and Mr Gary Paul Drennan, 6 Belhaven Place, Mearnskir, Glasgow G77 5JF (“the Landlord”)**

**Tribunal Members – George Clark (Legal Member/Chairperson)
and Carol Jones (Ordinary Member/Surveyor)**

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 16 May 2019 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, Legal Member/Chair, at Lasswade on 9 September 2020 before this witness Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian.

G.Clark

..... Legal Member/Chair

..... V. Clark

..... Witness

Housing and Property Chamber

First-tier Tribunal for Scotland



Variation of Repairing Standard Enforcement Order made in terms of Sections 25(1) and 25(2) of the Housing (Scotland) Act 2006

Property: 104 Jerviston Road, Glasgow G33 5QL (“the Property”/ “the house”)

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Mr James McRobb Crawford, 18 Tillycairn Street, Glasgow G33 5HB and Mr Gary Paul Drennan, 6 Belhaven Place, Mearnskir, Glasgow G77 5JF (“the Landlord”)

Tribunal Members – George Clark (Legal Member/Chairperson) and Carol Jones (Ordinary Member/Surveyor)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) hereby, in terms of Sections 25(1) and 25(2) of the Housing (Scotland) Act 2006, varies the Repairing Standard Enforcement Order (“the Order”) in respect of the Property made on 16 May 2019 to the extent of removing from the Order Item 4 of the works specified therein.

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 subscribed by George Barrie Clark, Legal Member/Chair, at Lasswade on 9 September 2020, before this witness Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian.

G.Clark
..... Legal Member/Chair

V. Clark
..... Witness

Housing and Property Chamber First-tier Tribunal for Scotland



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 60 of the Housing (Scotland) Act 2006

Property: 104 Jerviston Road, Glasgow G33 5QL (“the Property”/ “the house”)

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**Miss Stacey Tominey, sometime 104 Jerviston Road, Glasgow G33 5QL
 (“the Tenant”)**

**Mr James McRobb Crawford, 18 Tillycairn Street, Glasgow G33 5HB and
Mr Gary Paul Drennan, 6 Belhaven Place, Mearnskir, Glasgow G77 5JF
 (“the Landlord”)**

**Tribunal Members – George Clark (Legal Member/Chairperson) and
Carol Jones (Ordinary Member/Surveyor)**

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 made by the Tribunal on 16 May 2019 under Section 26(1) of the Housing (Scotland) Act 2006 (“the Act”), determined that the work required by the Order had been carried out to the Tribunal’s satisfaction and that a Certificate of Completion of Works should be issued under Section 60 of the Act.

Background

On 16 May 2019, the Tribunal made a Repairing Standard Enforcement Order, requiring the Landlord:

(1) to investigate the cause of stagnant water lying under the floor of the kitchen and thereafter to carry out such work as is necessary to remove the water and such repairs as are necessary to ensure the problem is rectified;

(2) to carry out such work as is necessary to repair the kitchen ceiling and thereafter to redecorate the ceiling and all walls affected by water staining from a past leak from above;

(3) to provide the Tribunal with a report from a suitably qualified Gas Safe registered engineer, confirming that the central heating boiler is in proper working order; and

(4) to carry out such work as is necessary to ensure the vinyl flooring in the kitchen is properly fitted and does not represent a tripping hazard.

The Tribunal ordered that the works required by this Order must be carried out within the period of four months from the date of service of the Order.

On 9 September 2020, the Tribunal determined that all the work required by the Order had been carried out with the exception of Item 4 of the Order, relating to the vinyl flooring in the kitchen of the Property. There was, in fact, no longer any vinyl on the floor and the decision of the Tribunal was that it would vary the Order to remove Item 4 from the list of works required by the Order. The new vinyl which had been laid prior to the inspection by the Tribunal on 16 May 2019 was removed by the Landlord during the extensive repair works and the Tribunal took the view that it was not necessary to continue to enforce this aspect of the Order.

Reasons for Decision

The Tribunal determined that the work required by the Order (as amended) had been carried out.

Decision

The Tribunal determined that the work required by the Order had been satisfactorily completed and that a Certificate of Completion of Works should be issued in terms of Section 60 of the Act.

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.

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 **G.Clark** Legal Member/Chairperson
Date: 9 September 2020