

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**Certificate of Completion of Work under Section 60 (5) (b) of the Housing (Scotland) Act 2006**

**Chamber Ref: PRHP/RP/16/0346**

**1 Clarke Avenue, Ayr, KA7 2XE  
Title Number: AYR34155  
("The House")**

**The Parties:-**

**Mrs Kristina Macaulay,  
1 Clarke Avenue,  
Ayr, KA7 2XE  
("the Tenant")**

**Mr Narinder Pal Singh Sangha and Mrs Balbir Kaur Sangha,  
Seahaze,  
Spring Gardens,  
Dunure Road, Ayr  
represented by their agent  
Homesure Portfolio Management,  
60 Kyle Street,  
Ayr,  
KA7 1RZ  
("the Landlord")**

**Certificate of Completion**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 10<sup>th</sup> March 2017 has been completed. Accordingly the said Repairing Standard Enforcement is 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.**

These presents signed at Kilwinning on 9<sup>th</sup> October 2017 by Martin J. McAllister, Solicitor, Legal Member of the Housing and Property Chamber of the First-tier Tribunal for Scotland before Kayleigh Guthrie, witness, 83 Main Street, Kilwinning KA13 6AN.

M McAllister

K Guthrie

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**Determination: Statement relative to Certificate of Completion of work issued under Section 60 of the Housing (Scotland) Act 2006 (the 2006 Act).**

**Chamber Ref: PRHP/RP/16/0346**

**1 Clarke Avenue, Ayr, KA7 2XE  
Title Number: AYR34155  
("The House")**

**The Parties:-**

**Mrs Kristina Macaulay,  
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Ayr ,KA7 2XE  
("the Tenant")**

**Mr Narinder Pal Singh Sangha and Mrs Balbir Kaur Sangha,  
Seahaze,  
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Dunure Road, Ayr  
represented by their agent  
Homesure Portfolio Management,  
60 Kyle Street,  
Ayr,  
KA7 1RZ  
("the Landlord")**

**Background:**

1. On 10<sup>th</sup> March 2017 the First-tier tribunal for Scotland Housing and Property Chamber) made a repairing standard enforcement order (RSEO) in respect of the House. The members of the tribunal dealing with the matter were Martin J. McAllister, solicitor, legal member and Carol Jones, surveyor, ordinary member.

2. The tenancy of the House has been lawfully terminated.
3. The RSEO was in the following terms:

**(One) The Landlord is to produce a current electrical installation condition report prepared by a suitably competent and registered electrician confirming that the electrical system within the Property is in a safe and efficient condition together with a portable appliance test report on any electrical appliances provided by the Landlord. These reports should be in conformity with Scottish Government Statutory Guidance.**

**(Section 13 (1) (c) of the 2006 Act)**

**(Two) The Landlord is to produce a current gas safety record prepared by a suitably qualified and registered gas safe engineer and also a report from a suitably qualified and registered plumbing and heating engineer confirming that the entire heating system works effectively and is fully operational.**

**(Section 13 (1) (c) of the 2006 Act)**

**(Three) The Landlord is required to make good the holes in the wall of the downstairs shower room, attic shower room and attic bedroom.**

**(Section 13 (1) (b) of the 2006 Act)**

**(Four) The Landlord is to repair or replace the ceiling mounted dining room light.**

**(Section 13 (1) (c) of the 2006 Act)**

**(Five) The Landlord is to renew the entire felt roof above the two storey rear extension and to take all necessary steps to eradicate dampness in the walls and ceilings of the bathroom and bedroom on the half landing and to make good any décor damage caused by any repair.**

**(Section 13 (1) (a) of the 2006 Act).**

**(Six) The Landlord is to carry out such works as are required to ensure that the porch is wind and watertight.**

**(Section 13 (1) (a) of the 2006 Act).**

**(Seven) The Landlord is to carry out such works as are required to ensure that the drainage from the attic bathroom complies with current Building Standards and provide written evidence from a suitably**

**qualified plumbing and drainage engineer confirming that all required works have been carried out to a satisfactory standard.  
(Section 13 (1) (c) of the 2006 Act)**

**(Eight) The Landlord is to replace the carpeting on the staircase from the ground floor to the half landing, the half landing and the staircase from the half landing to the first floor and to provide evidence from a flooring contractor that the carpets have been replaced.  
(Section 13 (1) (e) of the 2006 Act).**

**(Nine) The Landlord is to ensure that all gutters are cleared of vegetation.  
(Section 13 (1) (b) of the 2006 Act).**

**(Ten) The Landlord is to repair or replace the dishwasher to ensure that it operates properly and if the existing appliance is repaired or replaced with a similar style integral dishwasher the landlord is to reinstate the missing door.  
(Section 13(1) (d) of the 2006 Act).**

**(Eleven) The Landlord is to remove the redundant appliances and radiator from the garden/ yard area.  
(Section 13 (1) (d) of the 2006 Act).**

**(Twelve) The defective fence at the rear of the House is to be repaired or replaced.  
(Section 13 (1) (b) of the 2006 Act).**

**In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, the tribunal determined that the repairing standard enforcement order requires to be completed within a period of five weeks from its service on the Landlord.**

- 4. The repairing standard enforcement order was varied on 8th May 2017 to allow the Landlord more time to carry out the work.**
- 5. On 3<sup>rd</sup> August 2017 the ordinary member of the tribunal inspected the House and a copy of her report with relevant photographs is attached.**
- 6. The report discloses that, at the time of inspection, some of the works required by the RSEO had been completed and some had been partially completed.**

7. A copy of the re-inspection report was sent to the Landlord who subsequently provided written information and supporting documents with regard to items in the RSEO which had been only partially completed at the time of inspection.
8. The tribunal considered matters and determined that, based on the findings of the ordinary member from her inspection on 3<sup>rd</sup> August 2017 and the contents of the written information and vouching provided by the Landlord, the House meets the repairing standard.
9. The tribunal considered matters, determined that it was satisfied that the work had been completed and that it was appropriate to issue the Certificate of Completion in terms of Section 60 of the 2006 Act.

**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.**

**M McAllister**

Martin J. McAllister, Solicitor,  
Legal Member of the Housing and  
Property Chamber of the First-tier  
Tribunal for Scotland.

9th October 2017