

# 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 of the Housing (Scotland) Act 2006 as amended ("the Act")

Chamber Ref: FTS/HPC/RP/17/0085

Title no/Sasines Description: GLA163338

16 Culbin Drive, Glasgow G13 4PW ("the Property")

The Parties: -

Mr David Cardigan, Glasgow City Council, Development and Regeneration Services, Exchange House, 231 George Street, Glasgow G1 1RX ("the Third Party")

Ms Sarah Wallace, 16 Culbin Drive, Glasgow G13 4PW ("the former Tenant")

Ms Christine Thorburn, West Glasgow Carers Centre, 1561 Great Western Road, Glasgow G13 1HN ("the former Tenant's Representative")

And

Miss Lorraine Gregal, 49 Crescent Road, Glasgow G13 3RY; Edinbarnet Cottage, Clydebank, G81 5QW ("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 ("RSEO")** relative to the Property served on 15 May 2017 has been completed. Accordingly, the said RSEO 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.

In terms of Section 63 of the Act, 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 Susan Christie, Legal Member of the Tribunal, at Glasgow on 1<sup>st</sup> September 2017 in the presence of the undernoted witness: -

Witness

S Christie

Legal Member

George Harvey Christie name in full

# **Housing and Property Chamber**

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

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

**Chamber Ref: FTS/HPC/RP/17/0085**

**Title no/Sasines Description: GLA163338**

**16 Culbin Drive, Glasgow G13 4PW ("the Property")**

**The Parties: -**

**Mr David Cardigan, Glasgow City Council, Development and Regeneration Services, Exchange House, 231 George Street, Glasgow G1 1RX ("the Third Party")**

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**And**

**Miss Lorraine Gregal, 49 Crescent Road, Glasgow G13 3RY; Edinbarnet Cottage, Clydebank, G81 5QW ("the Landlord")**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") comprised: -**

**Susan Christie                      - Legal/Chairing Member**

**Andrew McFarlane                - Ordinary Member**

### **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 15 May 2017 determined that the Landlord has complied with the Order and that a Certificate of Completion to that effect should be issued.**

### **Background**

- 1. The Tribunal issued a Decision dated 15 May 2017 requiring the Landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the Property, issued by the Tribunal on 15 May 2017.**

2. The RSEO required the Landlord to:

- (a) Install a smoke alarm in the lounge of the Property to be mains wired and interlinked to those already installed complying with the revised Domestic Technical Handbook guidance issued by Building Standards Division (Technical Handbook 2013-Domestic-Fire),
- (b) To refit, repair or replace the smoke alarm in the lower hall so as to ensure the same is secured to the casing and in a reasonable state of repair and in proper working order,
- (c) To instruct a suitably competent qualified electrician (such as NICEIC, SELECT or NAPIT registered) to secure and fix all electric sockets in the kitchen to an appropriate surface or flush-mounted to ensure that they are safe and not prone to accidental damage and in a reasonable state of repair and in proper working order,
- (d) To ensure that a suitable battery-operated carbon monoxide detector is installed in the lounge of the Property in a proper location and in proper working order that has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

3. The Tribunal ordered that the works specified in this Order must be carried out and completed within the period of 28 days from the date of service of the RSEO.

4. On 31 July 2017, the Ordinary Member re-inspected the Property. He found that:

- (a) A smoke alarm had been installed in the lounge of the Property. This was mains wired. It operated when the test button was pushed. Activation caused the other alarms in the Property to sound proving in was interlinked.
- (b) The smoke alarm in the lower hall has been refitted. It operated when the test button was pushed. Activation caused the other alarms in the Property to sound proving in was interlinked.
- (c) The electric sockets in the kitchen of the Property noted to be loose during the previous inspection had been secured.
- (d) A carbon monoxide detector has been installed in the lounge of the Property in an appropriate position. It operated when the test button was pushed.

5. The Ordinary Member produced a Report of his findings dated 31 July 2017. A copy of the Report is produced along with the present decision.

6. The Ordinary Member was advised at the re-inspection that the Tenant was now a former Tenant having never returned to live the Property since the original inspection and the tenancy terminated.
7. Therefore, all the works in the Repairing Standard Enforcement Order had been completed since the original inspection.
4. The re-inspection Report was issued to the Parties on 4 August 2017. No written responses were received.

### **Reasons for Decision**

5. The Tribunal considered the findings of the Ordinary Member who re-inspected the Property and found that all of the works in the RSEO which had been completed since the original inspection namely:
  - (a) A smoke alarm had been installed in the lounge of the Property. This was mains wired. It operated when the test button was pushed. Activation caused the other alarms in the Property to sound proving in was interlinked.
  - (b) The smoke alarm in the lower hall has been refitted. It operated when the test button was pushed. Activation caused the other alarms in the Property to sound proving in was interlinked.
  - (c) The electric sockets in the kitchen of the Property noted to be loose during the previous inspection had been secured.
  - (d) A carbon monoxide detector has been installed in the lounge of the Property in an appropriate position. It operated when the test button was pushed.
6. The Tribunal thereafter having been satisfied with the findings of the Ordinary Member, concluded that all of the works required in terms of the RSEO had now been carried out and that a Certificate of Completion to that effect be issued.

### **Summary of Decision**

7. The Tribunal accordingly determined that the Landlord had complied with the RSEO and proceeded to issue a Certificate of Completion.
8. 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                     S Christie                    

Date           1 September 2017          

Legal Member           Susan Christie