

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

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**Certificate of completion of work**

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

**Under section 60 of the Housing (Scotland) Act 2006**

**Case Reference Number: PRHP/EH11/112/10**

**Re: 18 Stenhouse Drive, Edinburgh EH11 3JD ("the house")**

**Land Register Title No: MID72487**

**The Parties:-**

**Mrs Mary Marilyn McKie, formerly residing at the house ("the former tenant")**

**Mr Abdul Aziz, 75 Debdon Gardens, Heaton, Newcastle Upon Tyne NE6 5TS  
("the landlord")**

**Tribunal Members – Sarah O'Neill (Chairperson); David Lawrie (Ordinary  
(Surveyor) Member)**

**CERTIFICATE OF COMPLETION**

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 house issued by the Private Rented Housing Committee (now the tribunal) on 3 December 2010 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the house 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 printed on this and the preceding page are executed by Sarah O'Neill, solicitor, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the twentieth day of August 2018 before this witness:

J Spence

S O'Neill

witness

Chairperson

J Spence name in full

SETS, 20 YORK STREET, Address

GLASGOW

G2 8GT

# **Housing and Property Chamber**

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

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Revocation of Rent Relief Order

**Under Section 27(4) (b) of the Housing (Scotland) Act 2006**

**Case Reference Number: PRHP/EH11/112/10**

**Re: 18 Stenhouse Drive, Edinburgh EH11 3JD ("the house")**

**Land Register Title No: MID72487**

**The Parties:-**

**Mrs Mary Marilyn McKie, formerly residing at the house ("the former tenant")**

**Mr Abdul Aziz, 75 Debdon Gardens, Heaton, Newcastle Upon Tyne NE6 5TS  
("the landlord")**

**Tribunal Members – Sarah O'Neill (Chairperson); David Lawrie (Ordinary  
(Surveyor) Member)**

Considering that the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') decided on 20 August 2018 that the work required by the Repairing Standard Enforcement Order relative to the house issued by the Private Rented Housing Committee (now the tribunal) on 3 December 2010 has been completed, and that accordingly, the said Repairing Standard Enforcement Order relative to the house should be discharged;

the tribunal hereby revokes the Rent Relief Order made in relation to the house by the Private Rented Housing Committee on 29 March 2011, with effect from the date specified in sections 63(4) and 63 (5) of the Housing (Scotland) Act 2006, being 28 days after the last date on which permission may be sought to appeal this decision on a point of law.

### **Rights 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.

IN WITNESS WHEREOF these presents typewritten on this and the preceding page are signed by Sarah Frances O'Neill, solicitor, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the twentieth day of August, Two Thousand and Eighteen before this witness –

J Spence

S O'Neill

\_\_\_\_\_ witness \_\_\_\_\_ Chairperson

Joyce Spence name in full

5C5, 20 YORK STREET, address

GLASGOW G2 8GT.

# **Housing and Property Chamber**

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

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**Statement relative to Certificate of Completion of Work and Revocation of Rent Relief Order issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal')**

**Under sections 27 (4) and 60 of the Housing (Scotland) Act 2006**

**Case Reference Number: PRHP/EH11/112/10**

**Re: 18 Stenhouse Drive, Edinburgh EH11 3JD ("the house")**

**Land Register Title No: MID72487**

**The Parties:-**

**Mrs Mary Marilyn McKie, formerly residing at the house ("the former tenant")**

**Mr Abdul Aziz, 75 Debdon Gardens, Heaton, Newcastle Upon Tyne NE6 5TS ("the landlord")**

**Tribunal Members – Sarah O'Neill (Chairperson); David Lawrie (Ordinary (Surveyor) Member)**

1. The Private Rented Housing Committee (the committee') issued a Repairing Standard Enforcement Order (RSEO) in respect of the house on 3 December 2010.
2. The RSEO required the landlord to carry out the following repairs:
  - (1) The living room gas fire requires repair to ensure that the installation for the supply of gas fire heating is in a reasonable state of repair and in proper working order.
  - (2) The bedroom wardrobe requires repair to ensure that it is in a reasonable state of repair and in proper working order.
  - (3) The hall smoke detector requires repair to ensure that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
  - (4) The garden hut requires to be replaced to ensure it is in a reasonable state of repair and in proper working order.

- (5) The exterior paintwork requires repair to ensure it is in a reasonable state of repair and in proper working order.

The tribunal ordered that the works specified in the RSEO must be carried out and completed within the period of 4 weeks from the date of service of the RSEO.

3. On 29 March 2011, the committee issued a decision under section 26 (1) of the Housing (Scotland) Act 2006 ('the Act') that the landlord had failed to comply with the RSEO, for the reasons set out in more detail in that decision. On the same date, the committee issued a Rent Relief Order in respect of the house in terms of section 27 of the Act, reducing the rent payable under the tenancy by 90%.
4. On 1 December 2016, the functions of the committee were transferred to the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal').
5. The ordinary (surveyor) member of the tribunal carried out a re-inspection of the house on 10 August 2018. A copy of his re-inspection report dated 15 August 2018 is attached to this statement of reasons. He found that:
  1. The gas fire had been replaced.
  2. The bedroom wardrobe had been removed.
  3. The hall smoke detector had been replaced.
  4. The garden hut had been removed.
  5. The exterior of the house had been redecorated.
6. The tribunal therefore determined that the works required by the RSEO have been completed satisfactorily, and that the appropriate Certificate of Completion in terms of section 60 of the Act should be issued. It also determined that in terms of section 27(4) (b) of the Act, the Rent Relief Order in respect of the house should accordingly be revoked.

### **Rights of Appeal**

7. 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.
8. 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.

S O'Neill

Signed..... Date 20/8/18  
Sarah O'Neill, Chairperson

This is the re-inspection report dated 15  
August 2018 referred to in the majority statement  
of reasons

dated 20 August 2018

S O'Neill

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



**Re-Inspection report**

**Property: 18 Stenhouse Drive Edinburgh EH11 3JD**



**Ref no:** PRHP/EH11/112/10

**Surveyor:** David M Lawrie

**Inspection:** The property was inspected at 11.00am Friday 10 August 2018 following up on the original Decision dated 3 December 2010

**Access:** The Landlord, Mr Aziz, provided access. The property is currently vacant and appears to be under offer.

**Repairing Standard Enforcement Order Requirements**

*In particular, and without prejudice to the foregoing generality, the Committee **HEREBY ORDERS** the landlord to carry out the following repairs ('the Works');-*

- (1) The living room gas fire requires repair to ensure that the installation for the supply of gas fire heating is in a reasonable state of repair and in proper working order.*
- (2) The bedroom wardrobe requires repair to ensure that it is in a reasonable state of repair and in proper working order.*



- (3) *The hall smoke detector requires repair to ensure that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.*
- (4) *The garden hut requires to be replaced to ensure it is in a reasonable state of repair and in proper working order.*
- (5) *The exterior paintwork requires repair to ensure it is in a reasonable state of repair and in proper working order.*

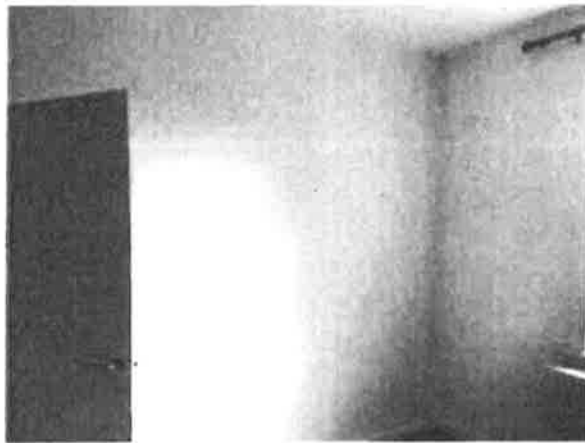
*The Committee **HEREBY FURTHER ORDERS** that the Works specified in this Order must be carried out and completed before the expiry of the Completion Date of **FOUR WEEKS** from the date of service of this Order.*

**Works in Repairing Standard Enforcement Order completed:**

Items 1 - 5 above have been attended to.



(1) Gas fire replaced



(2) Wardrobe removed



(3) Smoke detector replaced

(4) Fire damaged hut removed



(5) Exterior redecorated

Works in Repairing Standard Enforcement Order outstanding following re-inspection:

None

David M Lawrie  
HPC Tribunal Ordinary/Surveyor Member  
15 August 2018