

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber),
statutory successor to the Private Rented Housing Committee in terms of the Tribunals
(Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the
Private Rented Housing Committees) Regulations 2016

**Certificate of Completion of Work under Section 60 of the Housing (Scotland)
Act 2006 as amended ("the Act")**

In connection with

**Re: Property known as Birk Hedges Cottage, Birkhedges, near Haddington EH41
4HF, all as more particularly described in the Disposition in favour of Mrs
Catherine Mary Henderson or Home dated Twenty first January and recorded in
the Division of the General Register of Sasines for the County of East Lothian on
Seventh February, both months of the year Nineteen hundred and ninety one;
Together with the heritable fixtures and fittings therein and thereon, free ish and
entry therefrom and thereto, and the parts, privileges and pertinents effeiring
thereto ("the house")**

The Party

**Mrs. Catherine Home, Winterfield, 1 Fidra Road, North Berwick EH39 4LY ("the
Landlord")**

Reference PRHP/RP/13/0083

**Tribunal Members: Mrs. Aileen Devanny (Chamber President and Legal Member); Mr.
Robert Buchan (Ordinary Member (surveyor) of the First-tier Tribunal.**

**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**") dated 13 December 2013 relative to the house has been completed.
Accordingly, the said RSEO relative to the house has been revoked.**

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 Mrs Aileen Devanny, Chamber President and Legal Member of the Tribunal, at Glasgow on the Twenty first day of June, Two thousand and eighteen in the presence of the undernoted witness:-

N Russell

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A Devanny

Witness

Legal member

NATASHA RUSSELL name in full

20 York Street address

GLASGOW

G2 8GT

Housing and Property Chamber

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(Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the
Private Rented Housing Committees) Regulations 2016

STATEMENT OF DECISION UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006

In connection with

**Property at Birk Hedges, Near Haddington EH41 4HF
(hereinafter referred to as "the house")**

The Party

**Mrs. Catherine Home, Winterfield, 1 Fidra Road, North Berwick EH39 4LY ("the
Landlord")**

Reference PRHP/RP/13/0083

Tribunal Members: Mrs. Aileen Devanny (Chamber President and Legal Member); Mr.
Robert Buchan (Ordinary Member (surveyor) of the First-tier Tribunal).

DECISION

The First-tier Tribunal for Scotland sitting in the Housing and Property Chamber ("the Tribunal"), having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order dated 13 December 2013 as varied (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the findings at the inspection of the property on 13 June 2018, the Tribunal considered that the Landlord had satisfactorily completed the works detailed in the RSEO and decided to issue a certificate of completion of works in terms of Section 60 of the Act. The Tribunal also revoked the Rent Relief Order.

Background

1. Reference is made to the Statement of Decision of the Private Rented Housing Committee dated 3 December 2013 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Act and the RSEO made by the Private Rented Housing Committee which required the Landlord to carry out works as specified therein, the said works to be carried out and completed by 28 February 2014.

On 19 December 2014 the Private Rented Housing Committee unanimously decided in terms of Section 26(1) of the Act that the Landlord had failed to comply with the RSEO and directed that a notice of the failure be served on the Local Authority on which the house is situated and the Committee made a Rent Relief Order in terms of Section 27 of the Act.

2. By various e-mails, the landlord advised that; (a) the tenant had left the property; (b) that a comprehensive programme of works was to be undertaken to the property including treatment of the solum, a damp proof course, new wall linings, new flooring, repair of defective harling and full redecoration; and (c) that the works had been completed.

3. Mr. Buchan, Ordinary Member (surveyor), inspected the house on 13 June 2018 to ascertain if the works in the RSEO had been completed. This re-inspection confirmed that a comprehensive programme of repair and improvement has been carried out and that the dampness highlighted in the previous re-inspection has been eradicated. A copy of the re-inspection report is attached.

The Tribunal considers that all works required in the RSEO have been completed to a satisfactory standard. The Tribunal considers that a certificate of completion should be issued in terms of Section 60 of the Act. The Tribunal also decided to revoke the Rent Relief Order. The members of the Tribunal were unanimous in their decision.

APPEAL PROVISIONS

A Landlord 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.

A Devanny

Chamber President and Legal Member,
20 June 2018