

# 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: Chamber Reference number: FTS/HPC/RP/14/0168

Re: Property at 39 Wallbrae Road, South Carbrain, Cumbernauld G67 2PD being the subjects more particularly described in Land Certificate Title Number DMB51813 (hereinafter referred to as "the house")

#### The Parties:-

- Mr Paul Fleming, residing formerly at 8a, Ferguson Road, Cumbernauld, and now at the house, the successor in title to Mr Ajay Ahuja ("the Landlord")

**Tribunal Members:** Mrs Aileen Devanny (legal member and chairperson); Ms 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 ("RSEO")** relative to the house dated 8 December 2014 as varied 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 Accordingly, the said RSEO relative to the house has been revoked.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.

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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 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, legal member of the Tribunal, at Glasgow on the Twenty sixth day of February, Two thousand and nineteen in the presence of the undernoted witness:-

J McAnulty

A Devanny

Witness

Legal member

JULIE MCANULTY name in full

GLASGOW TRIBUNAL address  
CENTRE 20 YORK ST

GLASGOW G2 8QT

# **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**

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

**In connection with**

**Chamber Ref: Chamber Reference number: FTS/HPC/RP/14/0168**

**Re: Property at 39 Wallbrae Road, South Carbrain, Cumbernauld G67 2PD being the subjects more particularly described in Land Certificate Title Number DMB51813 (hereinafter referred to as "the house")**

**The Parties:-**

**Mr Paul Fleming, residing formerly at 8a, Ferguson Road, Cumbernauld, and now at the house, the successor in title to Mr Ajay Ahuja ("the Landlord")**

**Tribunal Members: Mrs Aileen Devanny (legal member and chairperson); Ms Carol Jones (ordinary member (surveyor))**

### **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 8 December 2014 as varied (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the findings at the re-inspection of the property on 30 January 2019, the Tribunal considers that the Landlord has satisfactorily

A Devanny

completed the works detailed in the RSEO and have decided to issue a certificate of completion of works in terms of Section 60 of the Act.

### **Background**

1. Reference is made to the Statement of Decision of the Tribunal dated 24 November 2014 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 Tribunal which required the Landlord to carry out works as specified therein, the said works to be carried out and completed within a given timescale.

2. Ms. Jones, Ordinary Member (surveyor), inspected the house on 30 January 2019 and the findings are contained in the re-inspection report, a copy of which is attached and referred to for its terms.

3. The Tribunal considers that all works required in the RSEO have been completed. The Tribunal considers that a certificate of completion should be issued in terms of Section 60 of the Act. 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

Legal Member,  
25 February 2019