

Housing and Property Chamber

First-tier Tribunal for Scotland



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/17/0008

Title no: GLA112319

Flat 1/1, 96 Dorchester Avenue, Glasgow, G12 0EB ("The Property")

The Parties:-

Miss Clara Massa, residing at the Property ("the Tenant")

Mr Mohammed Kamran and Mrs Farhat Naheed Kamran ("the Landlord"), both residing at 4 Broughton Road, Summerston, Glasgow, G23 5HW.

Chamber Ref: FTS/HPC/RP/17/0193

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') hereby certifies that the works required by the **Repairing Standard Enforcement Order ("RSEO")** relative to the Property, served on 12th April 2017, have 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 Gerald McWilliams, Legal member of the Tribunal, at Glasgow on the 20th day of July 2018 in the presence of the undernoted witness:-

G McWilliams

Legal member

Carol Cassidy witness
name in full

Cowan & Co Solicitors

81 Berkeley Street

Glasgow G3 7DX

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Housing (Scotland) Act 2006 Section 60

Chamber Ref: FTS/HPC/RP/17/0008

Title no: GLA112319

Flat 1/1, 96 Dorchester Avenue, Glasgow, G12 0EB ("The Property")

The Parties:-

Miss Clara Massa, residing at the Property ("the Tenant")

Mr Mohammed Kamran and Mrs Farhat Naheed Kamran ("the Landlord"), both residing at 4 Broughton Road, Summerston, Glasgow, G23 5HW

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 or not the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO"), served on 12th April 2017, determined that the Landlord has complied with the RSEO and that a Certificate of Completion should be issued.

The Tribunal comprised:-

Mr G McWilliams, Legal Member; and

Mr A Taylor, Ordinary Member

Background

1. By Application received on 10th January 2017 the Tenant applied to the First Tier Tribunal for Scotland (Housing and Property Chamber) for a determination of whether or not the Landlord had failed to comply with the

duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 as amended ("the Act").

2. The Application by the Tenant stated that she considered that the Landlord had failed to comply with their duty to ensure that the Property meets the repairing standard. The Application stated that the Tenant believed that (i) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water were not in a reasonable state of repair and in proper working order; and that (ii) the fixtures, fittings and appliances provided by the Landlord under the tenancy were not in a reasonable state of repair and in proper working order. The Application specifically stated that the gas central heating in the property had not worked for over a year, the oven and stand alone freezer had never worked, the fridge freezer within the kitchen had no freezer door, the electric shower had poor flow and lacked heat, and the plumbing and electrical wiring within the property required to be checked.
3. The Tribunal served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant on 23rd February 2017.
4. The Tribunal Members attended at the property on 31st March 2017 for an Inspection. The parties were present.
5. Following the Inspection of the property the Tribunal held a Hearing at Wellington House, 134-136 Wellington Street, Glasgow, G2 2XL. The parties attended.
6. Following the Hearing the Tribunal made an RSEO in respect of the Property, in the following terms:
 - (a) The Landlord is to engage a suitably qualified and Gas Safe registered heating engineer to carry out an inspection and report on the gas fired heating and hot water supply installation including the boiler, all radiators, valves, programmers and thermostats within the property. The Landlord is to follow the recommendations of that report to ensure that the entire installation is safe and in proper working order and on completion of the works provide a valid CP12 Gas Safety Certificate in terms of Section 13(1)(c) of the said Act; and
 - (b) The Landlord is to engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out a check and produce a certificated electrical condition check (EICR) in respect of the entire electrical installation within the property. The Landlord is to follow the recommendations of that report to ensure that the entire installation is safe and in proper working order; in terms of Section 13(1)(c) of the said Act; and
 - (c) The Landlord is to repair or replace the electric oven so that it is in proper working order; in terms of Section 13(1)(d) of the said Act; and

- (d) The Landlord is to repair or replace the freestanding freezer so that it is in proper working order; in terms of Section 13(1)(d) of the said Act; and
 - (e) The Landlord is to repair or replace the electric shower so that it is in proper working order; in terms of Section 13(1)(c) of the said Act; and
 - (f) The Landlord is to repair or replace the fridge/freezer so that it is in proper working order; in terms of Section 13(1)(d) of the said Act; and
 - (g) The Landlord is to secure the loose hot and cold taps on the bathroom wash hand basin; in terms of Section 13(1)(c) of the said Act
 - (h) The Landlord is to carry out all reinstatement works and decoration necessary following the completion of the works and actions referred to in points a) to g) above.
7. The Tribunal re-inspected the Property on 21st September and 30th November 2017. A copy of their Re-Inspection Report dated 1st December 2017 is attached to this Decision.
8. A further Hearing took place at the office of Elite Training, 1 Blythswood Square, Glasgow G2 4AD on 22nd March 2018. The parties attended. The Landlord's electrician Mr M Zulfiqar also attended and produced a satisfactory certified electrical condition check report (EICR) in respect of the Property. The parties agreed that the majority of the works required by the RSEO had been completed. They agreed that a new boiler would be installed at the Property on 27th March 2018, that Mr Zulfiqar would install a smoke alarm in the living room as soon as possible. The Landlord agreed to arrange for the taps on the bathroom wash hand basin to be secured as soon as possible. The parties sought further time for full completion of the required works..
9. The Tribunal granted a Variation of the RSEO on 28th March 2018. The period allowed for completion of the remaining works and actions required by the Repairing Standard Enforcement Order was extended by 42 days. The remaining works were as follows:
- (i) the installation of a new boiler, to ensure that the gas fired heating and hot water supply installation within the property, is safe and in proper working order; and
 - (ii) On installation of the new boiler, the issue of a valid CP12 Gas Safety Certificate; and
 - (iii) the installation of a smoke alarm within the living room in the property, to ensure that the entire electrical installation within the property, is safe and in proper working order; and
 - (iv) the securing of the loose hot and cold taps on the bathroom wash hand basin,

10. The Tribunal issued a Notice of Directions on 11th June 2018, in the following terms:

- i) The Landlord is to send to the Tribunal's Office a clear, legible copy of the Gas Safety Certificate which they have produced; and
- ii) The Landlord is to provide to the Tribunal's Office with written comments or a letter from their heating engineer in respect of the Tenant's recent assertion that the heating engineer, when fitting the new boiler, damaged the electrical installation at the property; and
- iii) The parties have also to notify the Tribunal's Office of any works and actions specified in the Repairing Standard Enforcement Order ("RSEO"), dated 10th April 2017, which they consider to be outstanding.
- iv) The parties are to send their written responses to the above Directions to the Tribunal's Office within 14 days of the date of issue of this Notice of Directions,

11. The Tribunal subsequently received a legible, satisfactory Gas Safety Certificate dated 27th March 2018 from the Landlord. They also received emails from the parties confirming that the works required by the RSEO had now been substantially completed.

Reasons for Decision

12. The Tribunal was satisfied, from careful consideration of the documentation and emails submitted by the parties, that all works required in terms of the RSEO had been substantially completed and that the RSEO had been complied with. Accordingly the Tribunal found that it was fair and just to issue a Certificate of Completion.

Decision

13. The Tribunal determined that the Landlord had complied with the RSEO and that a Certificate of Completion should be issued.

14. The Decision of the Tribunal was unanimous.

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.

G McWilliams

Signed.....

.Date 20th July 2018

G McWilliams, Legal Member



Re-Inspection Report



Property – Flat 1/1, 96 Dorchester Avenue, Glasgow, G12 0EB

Reference- FTS/HPC/RP/17/0008

Surveyor – Andrew Taylor, MRICS

Previous Inspections – Full Tribunal – 31st March 2017 & 21st September 2017

Re-inspection – 11.30am, 30th November 2017

Weather – Cold, dry and sunny.

In Attendance – Mr G McWilliams, Legal Member, Miss C. Massa, Tenant

Purpose of Re-inspection - To establish if the work required under the Repairs Standard Enforcement Order had been completed.

RSEO – In terms of the RSEO issued on 10th April 2017 the Landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and in particular the following specific areas: -

- a) The Landlord is to engage a suitably qualified and Gas Safe registered heating engineer to carry out an inspection and report on the gas fired heating and hot water supply installation including the boiler, all radiators, valves, programmers and thermostats within the property. The Landlord is to follow the recommendations of that report to ensure that the entire installation is safe and in proper working order and on completion of the works provide a valid CP12 Gas Safety Certificate in terms of Section 13(1)(c) of the said Act; and
- b) The Landlord is to engage a suitably qualified and registered SELECT or NICEiC electrical contractor to carry out a check and produce a certificated electrical condition check (EICR) in respect of the entire electrical installation within the property. The Landlord is to follow the

recommendations of that report to ensure that the entire installation is safe and in proper working order; in terms of Section 13(1)(c) of the said Act; and

- c) The Landlord is to repair or replace the electric oven so that it is in proper working order; in terms of Section 13(1)(d) of the said Act; and
- d) The Landlord is to repair or replace the freestanding freezer so that it is in proper working order; in terms of Section 13(1)(d) of the said Act; and
- e) The Landlord is to repair or replace the electric shower so that it is in proper working order; in terms of Section 13(1)(c) of the said Act; and
- f) The Landlord is to repair or replace the fridge/freezer so that it is in proper working order; in terms of Section 13(1)(d) of the said Act; and
- g) The Landlord is to secure the loose hot and cold taps on the bathroom wash hand basin; in terms of Section 13(1)(c) of the said Act
- h) The Landlord is to carry out all reinstatement works and decoration necessary following the completion of the works and actions referred to in points a) to g) above.

Works In RSEO Previously Carried Out

- a) The gas fired heating system appears to be operational and there is a valid CP12 certificate dated 17th June 2017, however, no report has been produced to indicate the condition and suitability of the system.
- b) An Electrical Installation Condition Report dated 21st May 2017 has been produced but has been supplied by an electrician who is neither NICEIC nor SELECT registered. Additionally there is no smoke detector present in the living room.
- c) The electric oven appears to be functioning correctly.
- d) The freestanding freezer has been removed.

e) The electric shower appears to be functioning correctly.

f) The loose taps to the WHB have not been secured.

Further Works Carried Out

a) A new fridge/freezer has been provided.

Works in the RSEO Outstanding

- a) The Landlord is to engage a suitably qualified and Gas Safe registered heating engineer to carry out an inspection and report on the gas fired heating and hot water supply installation including the boiler, all radiators, valves, programmers and thermostats within the property. The Landlord is to follow the recommendations of that report to ensure that the entire installation is safe and in proper working order and on completion of the works provide a valid CP12 Gas Safety Certificate in terms of Section 13(1)(c) of the said Act; and
- b) The Landlord is to engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out a check and produce a certificated electrical condition check (EICR) in respect of the entire electrical installation within the property. The Landlord is to follow the recommendations of that report to ensure that the entire installation is safe and in proper working order; in terms of Section 13(1)(c) of the said Act; and
- c) The Landlord is to secure the loose hot and cold taps on the bathroom wash hand basin; in terms of Section 13(1)(c) of the said Act
- d) The Landlord is to carry out all reinstatement works and decoration necessary following the completion of the works and actions referred to in points a) to c) above.

Photographs



WHB – Loose taps November 2017



New Fridge Freezer – November 2017



Water damage bathroom ceiling - November 2017

Andrew Taylor MRICS

Surveyor Member, Housing and Property Chamber, First-tier Tribunal For Scotland

1st December 2017