

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Certificate of completion of work: Housing (Scotland) Act 2006 Section 60

Chamber Ref: FTS/HPC/RP/18/1095

Title no: ANG79221 in the Land Register of Scotland

Re: Property at New Cottage, Millhole, Newtyle, Blairgowrie, Angus PH12 8UP

("The House")

The Parties:-

Mr Stuart Edwards, formerly New Cottage, Millhole, Newtyle, Blairgowrie, Angus PH12 8UP

("the Tenant")

Mr Alex Neillie, C/O Economy Car and Van Hire, East Perri Street, Dundee DD2 2RD; Inverbashie House, Kettins, Blairgowrie PH13 9JT

("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** relative to the House served on 9 August 2018 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 type written on this and the preceding page are executed by Rory A B Cowan, solicitor, 16 Royal Exchange Square, Glasgow G1 3AG, chairperson of the tribunal at Glasgow on 10th January 2019 before this witness:-

K Donnelly

R Cowan

witness

chairperson

KYESTIE DONNELLY name in full

c/o Banpatyne, Address
Kirkwood, France & Co
2nd Floor

16 Royal Exchange Square
Glasgow
G1 3AG

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Statement of Decision: Housing (Scotland) Act 2006 Section 25(1) & 60

Chamber Ref: FTS/HPC/RP/18/1095

Title no: ANG79221 in the Land Register of Scotland

Re: Property at New Cottage, Millhole, Newtyle, Blairgowrie, Angus PH12 8UP

("The House")

The Parties:-

Mr Stuart Edwards, formerly New Cottage, Millhole, Newtyle, Blairgowrie, Angus PH12 8UP

("the Tenant")

Mr Alex Neillie, C/O Economy Car and Van Hire, East Perri Street, Dundee DD2 2RD; Inverbashie House, Kettins, Blairgowrie PH13 9JT

("the Landlord")

Tribunal Members

Rory A B Cowan, Chairperson

Robert Buchan, Ordinary (Surveyor) Member

Decision

The First-tier Tribunal for Scotland: Housing and Property Chamber (the tribunal), having carried out a further inspection of the House, determined that the work required by the RSEO had been completed and resolved to issue a Certificate of Completion.

The decision of the tribunal was unanimous.

Background

The RSEO required the Landlord to complete the following work within 2 months of the service of the RSEO:

- 1) To repair or replace the windows in the living/sitting room, the bathroom and the rear bedroom to ensure that they are in a reasonable state of repair and in proper working order.

Reasons for the Decision

On 28 November 2018, the Ordinary/Surveyor Member of the tribunal carried out a re-inspection of the House.

At re-inspection it was noted as follows:

- A new double-glazed unit has been installed in the central section of the living/sitting room window and replacement windows had been fitted in the bathroom and rear bedroom.
- It was also noted that, at the time of inspection, condensation and small puddles of water were gathered on the panes and sills of the bathroom and rear bedroom windows.

Thereafter the re-inspection report was issued to the Landlord for comment. On 21 December 2018 a response was received from the Landlord that the condensation on the inside of the new windows was caused by the current tenants drying wet clothing within the House and, in particular, the rear bedroom. It could not therefore be said that the said replacement windows were not in a reasonable state of repair or not in proper working order.

The Landlord has therefore completed all the works required by the RSEO.

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.

R Cowan

Signed:
Rory A B Cowan

Date: 10 January 2019

Chairperson