

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

Property: Flat 1/3 or 1 North, 10 Lorimer Street, Dundee DD3 6RZ (“the Property”)

Sasine Description: ALL and WHOLE the northmost first floor dwellinghouse of the tenement 10 Lorimer Street, Dundee, being the subjects more particularly described in and disposed by Disposition by William Henry Blyth and another, with consent thereinmentioned, in favour of Norman Hill, dated 28 December 1969, 5 January and 8 June, both 1970 and recorded in the Division of the General Register of Sasines applicable to the County of Angus on 7 April 1971

Chamber Reference: PRHP/RT/16/0122

The Parties:

Mark Tait, residing at 10C Lorimer Street, Dundee DD3 6RZ and, as a Third Party, Dundee City Council, Private Sector Services Department, Dundee House, 50 North Lindsay Street, Dundee DD1 1NB (“the Tenant”)

Stobmuir Enterprises Limited, care of Mohamed El-Bakery, 15 Albert Street, Dundee DD4 6NS (“the Landlord”)

Tribunal Members –George Clark (Legal Member/Chair) and Harry Maclean (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 relative to the Property made on 23 June 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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.

In witness whereof these presents typewritten on this and the preceding page are executed by George Barrie Clark, solicitor, Lasswade, Legal Member/Chair of the tribunal at Lasswade, Midlothian on 13 December 2018 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

G Clark

_____ Legal Member/Chair

V Clark

_____ witness

Housing and Property Chamber First-tier Tribunal for Scotland



**Statement of decision of the Housing and Property Chamber under
Section 60 of the Housing (Scotland) Act 2006**

Chamber Ref: PRHP/RT/16/0122

**Re: Property at Flat 1/3 (or 10C) 10 Lorimer Street, Dundee DD3 6RZ
("the Property")**

The Parties:-

**Mark Tait, residing at 10C Lorimer Street, Dundee DD3 6RZ and, as a
Third Party, Dundee City Council, Private Sector Services Department,
Dundee House, 50 North Lindsay Street, Dundee DD1 1NB ("the Tenant")**

**Stobmuir Enterprises Limited, care of Mohamed El-Bakery, 15 Albert
Street, Dundee DD4 6NS ("the Landlord")**

**Tribunal members: George Clark (Legal member/Chair) and Harry
Maclean (Ordinary/ surveyor member)**

Decision

**The First-tier Tribunal for Scotland ("the Tribunal"), having made such
enquiries as it saw fit for the purposes of determining whether the
Repairing Standard Enforcement Order in respect of the Property made
on 23 June 2016 has been complied with, determined that the Order has
been complied with and that a Certificate of Completion of Works should
be issued in terms of Section 60 of the Housing (Scotland) Act 2006. The
Tribunal also determined that the Rent Relief Order in respect of the
Property, made on 13 January 2017, should be revoked.**

Background

- 1. On 23 June 2016, the then Private Rented Housing Committee issued a
Repairing Standard Enforcement Order ("the Order") in respect of the
Property.**

2. The Order required the Landlord:
 1. To instruct suitably qualified tradesmen to repair and reinstate the kitchen ceiling, to relocate the kitchen units and worktops for proper function, to make good the plaster and tiling on the kitchen walls and above the kitchen floor units and to redecorate the room when the works have been completed.
 2. To provide to the Committee an up to date Electrical Installation Condition Report covering the entire electrical installation in the Property, including lighting, sockets, heating and fire insulation.
 3. To make good the plaster and tiling in the bathroom.
 4. To carry out such repairs as are required to render the external door of the Property wind and water proof, by installing proper door stops and draught proofing strips.
 5. To provide such heating appliances as are required to ensure that there is adequate heating to the living area of the Property and
 6. To provide to the Committee written confirmation from Scottish Gas Networks that the gas supply to the Property has been properly and safely isolated.

3. The surveyor member of the Committee reinspected the Property on 12 September 2016 and reported that the kitchen ceiling had been plaster-boarded and reinstated to a satisfactory standard but had not been decorated. The electrical installation was still in a poor state and no Electrical Installation Condition Report had been produced. The plaster and tiling in the bathroom had received attention and were now of an acceptable standard. No repairs had been carried out to the main entrance door to make it more draught-proof or secure. No alterations or additions had been made to the heating in the living area of the Property and no evidence had been provided of the disconnection of the gas supply to the Property. A bent gas up stand pipe was still in place next to the cooker.

4. The jurisdiction of the Private Rented Housing Panel transferred to the Housing and Property Chamber of the First-tier Tribunal for Scotland on 1 December 2016 and the Committee members became members of the Tribunal.

5. The Tribunal reinspected the Property on the morning of 13 January 2017 and, following a hearing, determined that the Landlord had failed to comply with the Order. The Tribunal also made a Rent Relief Order in respect of the Property.

6. On 13 December 2018, the Tribunal inspected the Property again. The Tribunal members were admitted to the Property by Mr Ralf Selim of CFUN Limited, Studio 4, Granitehill Road, Granitehill Enterprise Centre, Aberdeen AB16 7AX, who explained to the Tribunal that the Landlord had died in 2017 and that the company had purchased the Property from his executors in September 2018. The Tenant had vacated the Property. Prior to the inspection and hearing, Mr Selim had provided the Tribunal with an

Electrical Installation Condition Report in respect of the Property dated 3 October 2018, which gave an overall assessment of Satisfactory and did not list any items categorised as C1 or C2 (dangerous or potentially dangerous). He had also provided the Tribunal with a letter, dated 6 November 2018 from SGN, confirming, following a visit, that they had found no evidence of any live gas apparatus within the Property.

7. A file of photographs, taken at the inspection, is attached to and forms part of this Statement of Decision.
8. At the inspection, the Tribunal noted that the kitchen ceiling has been redecorated and the kitchen units and worktops have been relocated for proper function. The external door is secure and wind and water proof and a new radiant electrical panel heater has been installed in the living room. The Property has been modernised to a good standard.
9. Following the inspection, the Tribunal held a hearing at Dundee Carers Centre, 134 Seagate, Dundee. The Parties were not present or represented at the hearing.

Summary of the issues

10. The issues to be determined were whether the Landlord had complied with the Repairing Standard Enforcement Order in respect of the Property and whether the Rent Relief Order should be revoked.

Findings of fact

11. The Tribunal finds the following facts to be established:-
 - The Tribunal has seen a satisfactory Electrical Installation Condition Report.
 - The Tribunal has seen satisfactory evidence from Scottish Gas Networks (SGN) that there is no live gas apparatus within the Property.
 - The Tribunal is satisfied that the work in the kitchen, outstanding as at 13 January 2017, has been satisfactorily completed.
 - The Tribunal is satisfied that there is adequate heating in the living area, following the installation of the radiant electrical panel heater.

Reasons for the decision

12. The Tribunal finds that the works required by the Order have been carried out satisfactorily.

Decision

13. The Tribunal determined that the Landlord and his successor in title had complied with the Repairing Standard Enforcement Order in respect of the Property and that a Certificate of Completion of Works to that effect should be issued.
14. The Tribunal also determined that the Rent Relief Order in respect of the Property should be revoked.
15. The decision of the Tribunal was unanimous.

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.

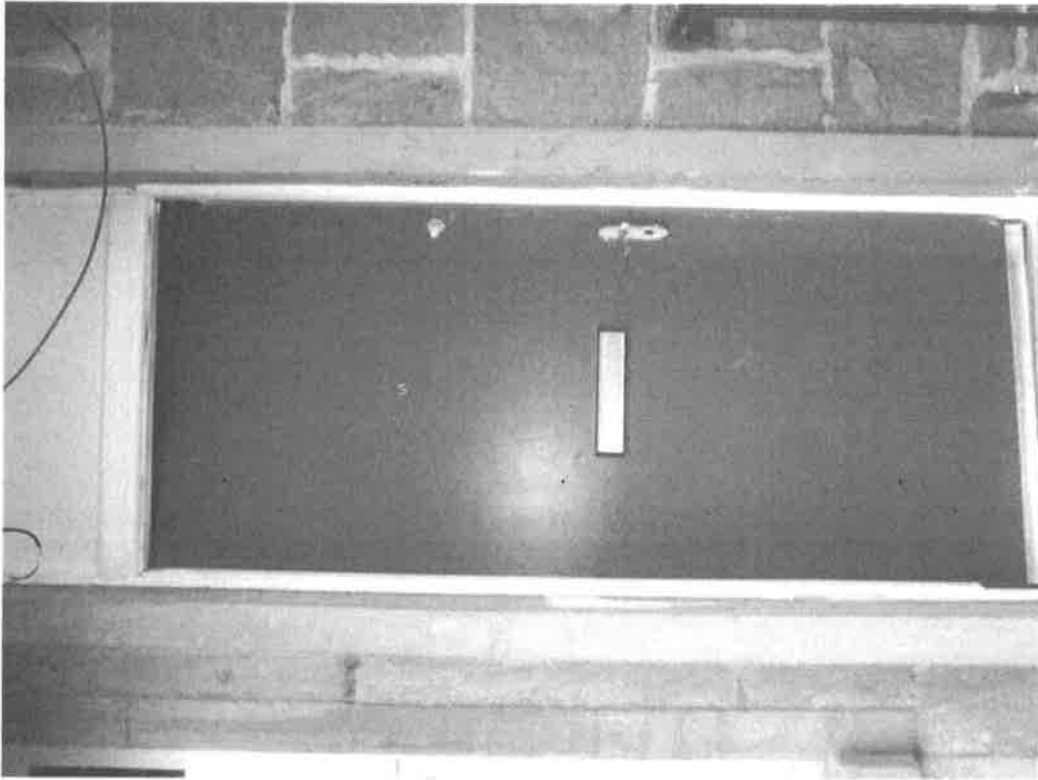
Right of Appeal

G Clark

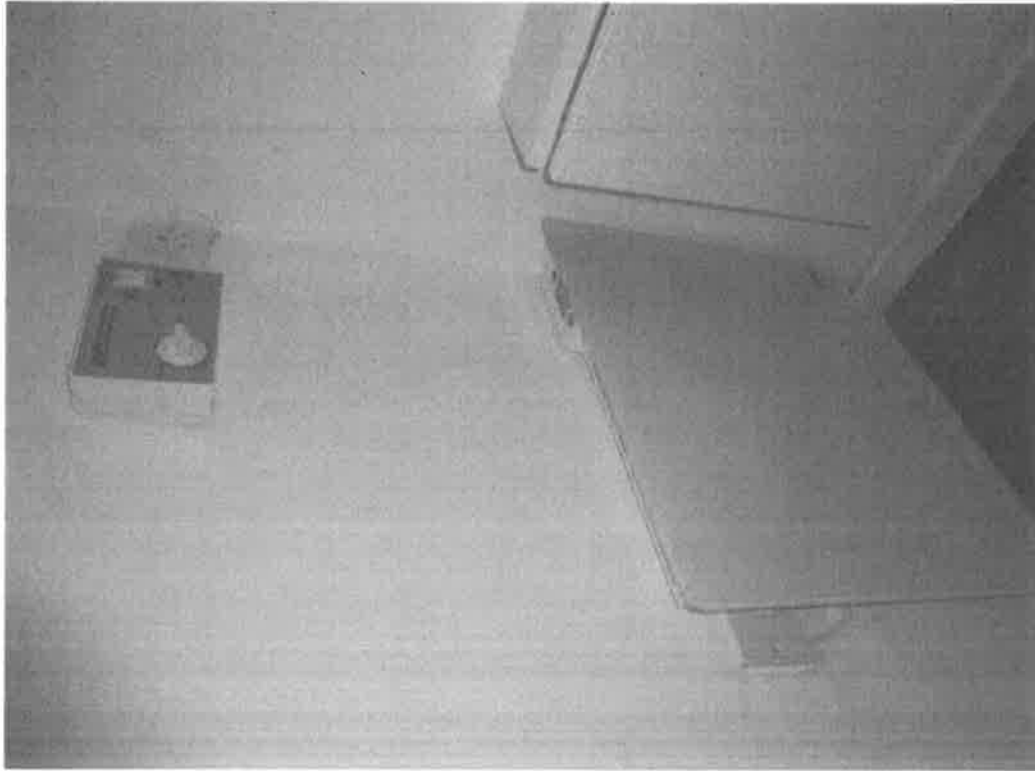
Signed Date 13 December 2018
Legal Member/Chair

Schedule of Photographs referred to in the Foregoing Statement
of Decision of 13 December 2018
G Clark
Loyal Clerk

Photographs to accompany the panel decision at 10 Lorimer Street, Dundee – December 2018.

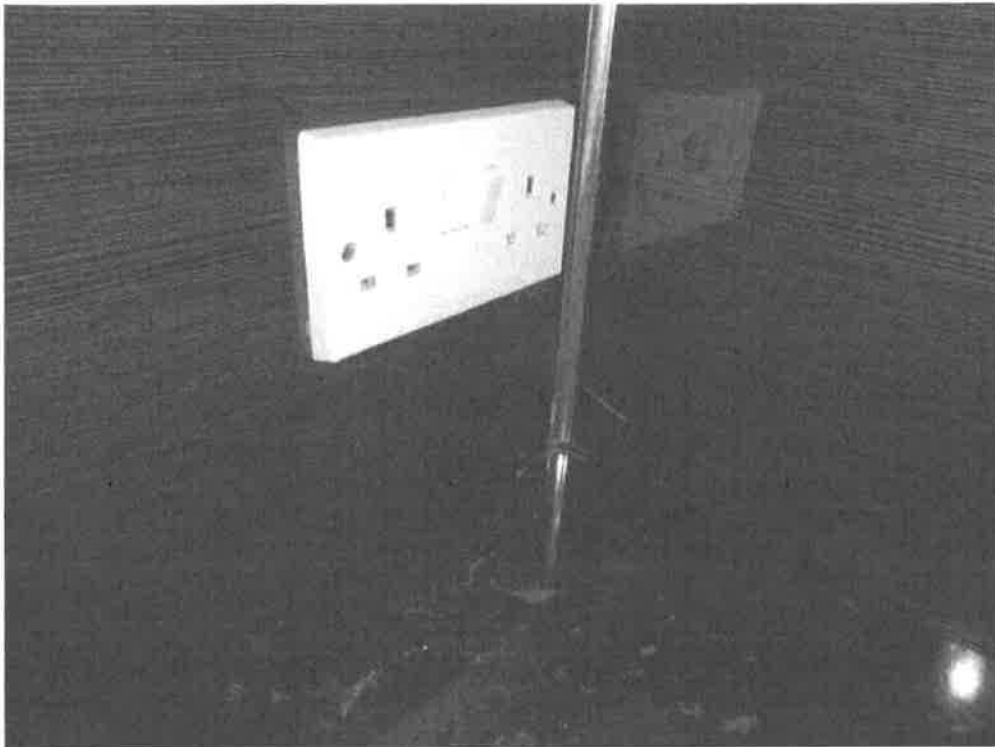


1. Main entrance door secure and robust

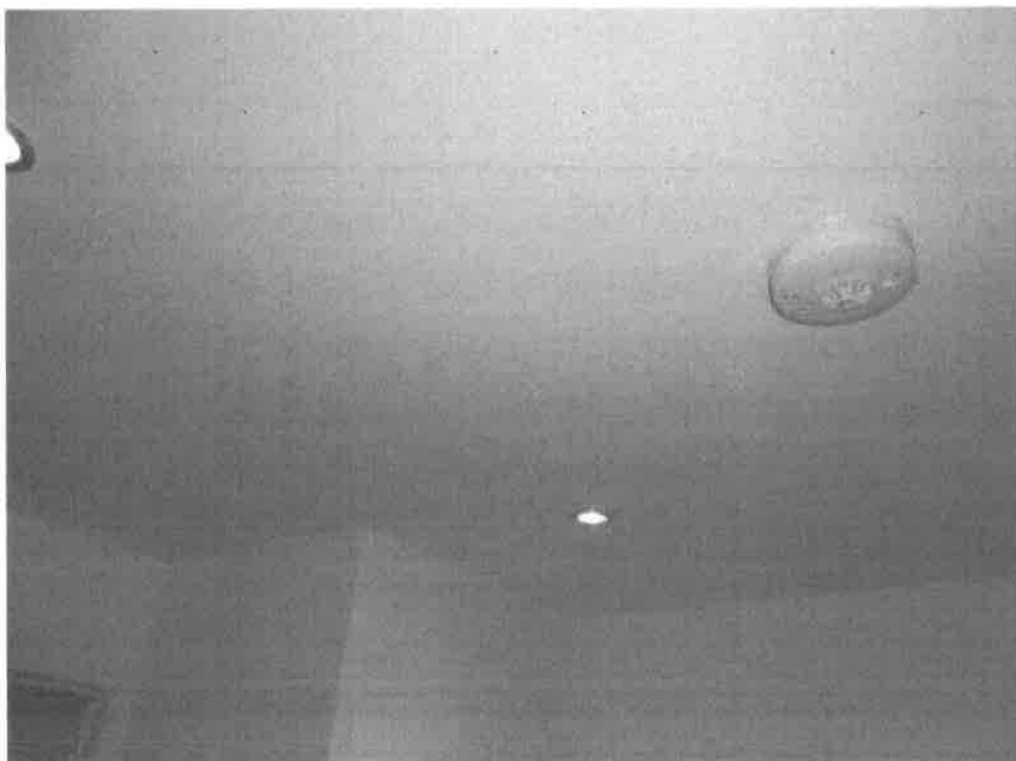


2. Electric sockets now secured. New electric radiant panel heater.

Photographs to accompany the panel decision at 10 Lorimer Street, Dundee – December 2018.



3. New electric socket outlets in kitchen



4. Kitchen ceiling now decorated. Heat detection in place.

Photographs to accompany the panel decision at 10 Lorimer Street, Dundee – December 2018.



5. Bathroom refurbished



6. New electric radiant panel convector heaters in lounge and same in kitchen,

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



Notice of Revocation of Rent Relief Order

**Issued by the First-tier Tribunal for Scotland Housing and Property Chamber
Under Section 27(4)(b) of the Housing (Scotland) Act 2006**

Chamber Ref: PRHP/RT/16/0122

Property: Flat 1/3 or 1 North, 10 Lorimer Street, Dundee DD3 6RZ ("the Property")

Sasine Description: ALL and WHOLE the northmost first floor dwellinghouse of the tenement 10 Lorimer Street, Dundee, being the subjects more particularly described in and disposed by Disposition by William Henry Blyth and another, with consent thereinmentioned, in favour of Norman Hill, dated 28 December 1969, 5 January and 8 June, both 1970 and recorded in the Division of the General Register of Sasines applicable to the County of Angus on 7 April 1971

The Parties:

Mark Tait, residing at 10C Lorimer Street, Dundee DD3 6RZ and, as a Third Party, Dundee City Council, Private Sector Services Department, Dundee House, 50 North Lindsay Street, Dundee DD1 1NB ("the Tenant")

Stobmuir Enterprises Limited, care of Mohamed El-Bakery, 15 Albert Street, Dundee DD4 6NS ("the Landlord")

Tribunal Members –George Clark (Legal Member/Chair) and Harry Maclean (Ordinary Member/Surveyor)

NOTICE TO STOBMUIR ENTERPRISES LIMITED ("the Landlord")

Considering that the First-tier Tribunal for Scotland Housing and Property Chamber issued a Notice under Section 60 of the Housing (Scotland) Act 2006, dated 13 December 2018, certifying that the work required by the Repairing Standard Enforcement Order relative to the Property made on 23 June 2016, has been completed, therefore in terms of Section 27(4)(b) of the Housing (Scotland) Act 2006 the Committee hereby revokes the Rent Relief Order in relation to the Property made on 15 January 2017 and that with effect from the date specified in Sections 63(4) and (5) of the Housing (Scotland) Act 2006, being 28 days after the last date on which this decision may be appealed.

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.

In witness whereof these presents typewritten on this and the preceding page are executed by George Barrie Clark, solicitor, Lasswade, Legal Member/Chair at Lasswade on 13 December 2018 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian:-

G Clark

Legal Member/Chair

V Clark

Witness