

**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: PRHP/RT/16/0308

Title no: GLA 46689

Flat 2/2 8 Westmoreland Street, Govanhill, Glasgow, G42 8LD ("The Property")

The Parties: -

Glasgow City Council, 3rd Floor, Samaritan House, 79 Coplaw Street, Glasgow, G42 7JG ("the Third Party Applicant")

Mrs Gunwant Kaur, 43 Traquair Drive, Glasgow, G52 2TB; 43 Keir Street, Glasgow, G41 2LA; c/o Property 4 U, 434 Cathcart Road, Glasgow, G42 7BZ ("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 Property dated 20 January 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order 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 are executed by Josephine Bonnar, solicitor, Legal Member of the Tribunal at Motherwell on 17 September 2018 before this witness:-

G Bonnar

J Bonnar

Witness

Legal Member

Gerard Bonnar

1 Carlton Place, Glasgow_

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 26(1)

Chamber Ref: PRHP/RT/16/0308

Title no: GLA 46689

Flat 2/2 8 Westmoreland Street, Govanhill, Glasgow, G42 8LD ("The Property")

The Parties:-

Glasgow City Council, 3rd Floor, Samaritan House, 79 Coplaw Street, Glasgow, G42 7JG ("the Third Party Applicant")

Mrs Gunwant Kaur, 43 Traquair Drive, Glasgow, G52 2TB; Mrs Gunwant Kaur, 43 Keir Street, Glasgow, G41 2LA; Mrs Gunwant Kaur c/o Property 4 U, 434 Cathcart Road, Glasgow, G42 7BZ ("the Landlord")

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 the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") relative to the property dated 20 January 2017 determined that the Landlord has complied with the Order and that a Certificate of Completion to that effect should be issued.

The Tribunal comprised: -

**Mrs Josephine Bonnar, Legal Member
Mr Kingsley Bruce, Ordinary Member**

Background

1. By application received on 20 September 2016 the Third Party applied to the Private Rented Housing Panel (PRHP) for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Application by the Third Party stated that the Third Party considered that the Landlord had failed to comply with her duty to ensure that the house meets the repairing standard. The Third Party stated that the Landlord had failed to ensure that (i) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order; (ii) Any fixtures fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order; and (iii) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. Specifically the Third Party stated that the property does not have hard wired smoke alarms, it is not clear if there is a carbon monoxide detector, the door intercom is faulty, the toilet flush mechanism is faulty, the boiler overflow is leaking and no gas safety certificate has been provided.
3. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Third Party on 10 October 2016.
4. Following service of the Notice of Referral the Third Party intimated on 13 October 2016 that it did not intend to attend or be represented at the hearing.
5. On 1 December 2016, the PRHP transferred to the First- tier Tribunal for Scotland.
6. The Tribunal inspected the property on the morning of 9 January 2017. The tenant was present. An interpreter, arranged by the Tribunal, was also present as the tenant does not speak English. The Landlord and her husband, Mr Singh were also present. The Third party did not attend. During the inspection, a copy of a gas safety certificate was produced by the Landlord dated 20 September 2016.
7. Following the inspection of the property the Tribunal held a hearing at Wellington House, Wellington Street, Glasgow. Neither the Third party nor the Landlord attended.
8. Following the hearing the Tribunal proceeded to issue a Repairing Standard Enforcement Order (RSEO). In terms of the RSEO the Landlord is required;- (i) to instruct an accredited Gas Safe engineer to inspect and report on the condition of the boiler, identify any defects and thereafter to carry out any repairs that are recommended by said engineer, or to replace

the boiler with a new one; (ii) to instruct an accredited Gas Safe engineer to inspect the carbon monoxide detector and confirm that it is compliant and in full working order, or to replace the carbon monoxide detector with a new one; and (iii) to obtain and exhibit to the Tribunal a gas safety certificate from an accredited Gas Safe engineer. The Landlord was required to carry out these works within four weeks of the date of service of the order.

9. On 19 February 2017 the Landlord contacted the Tribunal and provided a further copy of the Gas Safety certificate dated 20 September 2016 produced at the inspection. On 1 March 2017 the Landlord sent to the Tribunal a gas service and maintenance record dated 1 March 2017 which indicated that remedial work to the boiler had been advised. On 2 April 2017, the Ordinary member of the Tribunal carried out a re-inspection at the property. The tenant was in attendance but neither party was present. The Ordinary Member produced a re-inspection report which was issued to the parties. The report indicated that a service report had been produced prior to the re-inspection which identified defects requiring attention, no gas safety certificate had been produced and the CO detector was evident but was beyond reach and could not be tested.
10. On 21 April 2017, the Third Party lodged representations indicating that he accepted the terms of the re-inspection report and was of the view that a rent relief order should be granted. On 30 April 2017, the Landlord made a request for a variation of the RSEO seeking a further 2-month period to complete the work due to financial difficulties. A copy of the Landlord's request was issued to the Third Party. The third party responded to same by noting that it appeared that the Landlord had not complied with the RSEO but had no further representations to make. Before the Tribunal had reached a decision on the request the landlord sent an email to the Tribunal on 17 May 2017 advising that all work was now complete and the property could be re-inspected.
11. The Ordinary Member re-inspected the property on 1 June 2017. At the re-inspection, the Ordinary Member noted that the CO detector in the kitchen appears to have been replaced and there was no evidence of continued water escape from the expansion pipe serving the boiler. Following the re-inspection an engineer's report dated 30 May 2017 was produced by the Landlord which indicated that work had been carried out namely that they had replaced the PRV and topped vessel up. However, the report indicated that there is a leak on the system. The re-inspection report was issued to parties and the Landlord asked for clarification of the report and for confirmation that the leak on the system had been repaired. The Landlord responded that this repair was still outstanding and that she could not get access to the property to carry out the repair until the 10 July 2017 as the Tenant was on holiday. Thereafter the Landlord sent an email to the Tribunal on 14 July 2017 advising that the tenant is away and that she did not know when she would return. She requested a further extension of time to carry out the repair.

12. On 11 August 2017 the Tribunal refused the request from the Landlord for further time to complete the work required in terms of the RSEO and issued a decision that the Landlord had failed to comply with the RSEO. On the same date the Tribunal issued a rent relief order reducing the rent payable by 25%
13. On 3 January 2018 the Landlord sent to the Tribunal a gas safety certificate for the property dated 30 October 2017. On 11 August 2018 the Landlord submitted a brief report from an engineer confirming that a repair had been carried out to the boiler which is now in proper working order.

Reason for decision

14. The Tribunal considered whether the work stipulated in the RSEO has been satisfactorily completed.
15. The Tribunal notes that the RSEO is dated 20 January 2017 and stipulated a 4-week period for compliance with same. The Tribunal also notes that at the re-inspection the carbon monoxide detector had been replaced, but that the remainder of the RSEO had not been completed. The Tribunal considered the gas safety certificate and boiler report which have now been produced and are satisfied that these appear to be in order. The Tribunal concludes, from the condition of the property at re-inspection, and the documentation subsequently provided by the Landlord, that the work required by the RSEO has been completed, albeit not on time.
16. The Tribunal accordingly concludes that the work required in terms of the RSEO has been carried out and that a certificate of completion to that effect should be issued.

Decision

17. The Tribunal determined that the Landlord has complied with the RSEO and proceeded to issue a certificate of completion.
18. The decision of the Tribunal is unanimous

Right of Appeal

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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J Bonnar

Signed..........Date 17 September 2018
Josephine Bonnar, Legal Member