

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/16/0360

Title no: DMF11581

**20 Gladstone Road, Dumfries, DG2 7HA
("The Property")**

The Parties:-

**Mr. Alan Glendinning, HMO and Landlord Registration Manager, Dumfries & Galloway Council, Council Offices, Buccleuch Street, Dumfries, DG1 2AD
("the Third Party")**

**Miss Lynne Robertson, formerly residing at the property
("the former Tenant")**

**Mrs. Lesley McCrone, Dee House, Main Street, Kirkconnel, DG4 6LU
("the former Landlord") with the Property now being owned by Mr Arthur Clarke and Mrs Elizabeth Clarke, Barnsoul Villa, Irongray, Dumfries, DG2 9SQ**

The Decision

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 served on 2 February 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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 type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 20 York Street, Glasgow, chairperson of the tribunal at Glasgow on 17 October 2018 before this witness:-

N Pryce

 witness

P Pryce

NICHOLAS PRYCE name in full

55 DLYMWOOD ST Address
GLASGOW


Chair and Legal Member

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 60 (5)

Chamber Ref: PRHP/RT/16/0360

**20 Gladstone Road, Dumfries, DG2 7HA
("The Property")**

The Parties:-

**Mr. Alan Glendinning, HMO and Landlord Registration Manager, Dumfries & Galloway Council, Council Offices, Buccleuch Street, Dumfries, DG1 2AD
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("the former Landlord") with the Property now being owned by Mr Arthur Clarke and Mrs Elizabeth Clarke, Barnsoul Villa, Irongray, Dumfries, DG2 9SQ**

The 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 had complied with the Repairing Standard Enforcement Order dated 25 January 2017 in respect of the property, and taking account of the written information provided by the new owners of the property determined that the new owners and Landlords have complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Patricia Anne Pryce	-	Chair and Legal Member
Donald Wooley	-	Ordinary Member (Surveyor)

Background

1. On 25 January 2017, the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") issued a determination which stated that the former Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the Tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the tribunal required the then Landlord:
 - (a) To repair or replace the draught excluder surrounding the front door to ensure that it is in a reasonable state of repair and in proper working order.
 - (b) To replace the cracked pane of glass located adjacent to the front door with replacement glass which is in accordance with current building standards.
 - (c) To repair or make good the area of defective and missing sealant around the base of the living room window frame and its junction with the internal window cill to ensure that that is in a reasonable state of repair and in proper working order.
 - (d) To replace the thermostatic radiator valves on the radiators in the hallway and the living room so that they are in a reasonable state of repair and in proper working order.
 - (e) To produce an Electrical Installation Condition Report by a suitably qualified and SELECT or NICEIC registered electrician.
 - (f) To produce a report by a suitably qualified Gas Safe registered engineer to address the state of repair and working order of all gas appliances in the property.
 - (g) To install hard-wired and interlinked smoke and heat detection devices in accordance with current regulations.
 - (h) To install a carbon monoxide detector in accordance with current regulations.
3. The Tribunal ordered that the works specified in the RSEO were to be carried out within 28 days of the date of service of the Notice, that is, 3 March 2017.
4. After further sundry procedure and a further external inspection of the property being carried out by the Ordinary Member (Surveyor), the Tribunal resolved to issue a Failure to Comply decision as the terms of the RSEO had not been complied with. The Tribunal then received notification that the property had been sold to the new owners who requested that a further inspection by the Ordinary Member was carried out. The Ordinary Member prepared a report of the inspection on 5 October 2018 which is attached to this decision. The tribunal considered subsequent correspondence received from the new owners of the property.
5. Given all of the circumstances, the tribunal found that all of the works in the RSEO had taken place.

6. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Tribunal was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

P Pryce



Chair and Legal Member

17 October 2018

Date