

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 14 & 22(1A) of the Housing (Scotland) Act 2006

CERTIFICATE OF COMPLETION

Under Section 60 of the Housing (Scotland) Act 2006

Chamber Ref: Reference number: FTS/HPC/RP/21/0063

Property: 31 Warmanbie Road, Brydekirk, Annan, DG12 5ND ("The property")

Title no: DMF17476

Parties:

Joseph Sturgeon, residing at 31 Warmanbie Road, Brydekirk, Annan, DG12 5ND ("the Applicant")

Ross Anderson, residing at Millriggs Farm, Hutton, Boneland, Lockerbie, DG11 2PB ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)

Donald Wooley (Ordinary Member)

Unanimous Decision of the Tribunal

The First-tier tribunal for Scotland (Housing and Property Chamber)('the tribunal') certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 4 August 2021 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 consisting of this and the preceding page are signed by me, Paul Doyle, at Edinburgh on 22 March 2022 before Emma Doyle, residing at 24 Haddington Place, Edinburgh

Signed
Legal Mer

22 March 2022

Witness..

Housing and Property Chamber

First-tier Tribunal for Scotland



STATEMENT OF DECISION of the First-tier tribunal for Scotland (Housing and Property Chamber) under the Housing (Scotland) Act 2006

Chamber Ref: Reference number: FTS/HPC/RP/21/0063

Property: 31 Warmanbie Road, Brydekirk, Annan, DG12 5ND ("The property")

Title no: DMF17476

Parties:

Joseph Sturgeon, residing at 31 Warmanbie Road, Brydekirk, Annan, DG12 5ND ("the Applicant")

Ross Anderson, residing at Millriggs Farm, Hutton, Boneland, Lockerbie, DG11 2PB ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)

Donald Wooley (Ordinary Member)

Unanimous Decision of the Tribunal

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal') certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 4 August 2021 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property is discharged.

Reasons for decision

1. On 4 August 2021 the First-tier tribunal for Scotland (Housing and Property Chamber) issued a decision requiring the Landlord to comply with the repairing standard enforcement order made by the tribunal on 4 August 2021.

2. The Repairing Standard Enforcement Order ("RSEO") required the Landlord to

- (a) Instruct a SELECT, NICEIC OR NAPIT registered electrician to provide an Electrical Condition Installation Report (EICR) following a full inspection of the electrical installation and apparatus throughout the

Property and to repair or renew any areas categorised C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards.

(b) Instruct a suitably qualified central heating engineer to inspect the oil fired central heating system to ensure that it is operating satisfactorily, capable of providing adequate heating and hot water and/or complete any repairs required to ensure its satisfactory operation.

(c) Instruct a suitably qualified damp specialist to prepare a detailed survey of the rear wall of the property, to identify the cause and full extent of any dampness, damp staining and specify any remedial action. Thereafter to carry out all recommended repairs to remedy dampness and any associated defects.

(d) Install interlinked smoke and heat detectors within the property, ensuring that they are fully functional and located and powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

All within 6 Weeks of service of the RSEO on the Landlord.

3. On 7 December 2021 both tribunal members visited the property by prior arrangement to re-inspect the property. The landlord arranged for a neighbouring keyholder to meet tribunal members and to let them into the property. The applicant had removed from the property in August 2021. The property was empty and refurbishment works were underway.

4. During the reinspection of the property, the surveyor member of the tribunal took damp meter readings and photographs of the property and prepared a reinspection report.

5. On inspection it was obvious to tribunal members that

(a) the central heating in the property was on and is working

(b) electrical works have been carried out

(c) there is no trace of damp in the rear wall of the property although staining remains evident

(d) Interlinked smoke and heat detectors have been installed within the property, which are fully functional and located and powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

(e) Refurbishment works were not complete.

6. The Surveyor Members report was circulated to parties, none of whom made any further representations.

7. It was clear from tribunal members' observations at the inspection on 7 December 2021 that the works required by (d) of the RSEO had been completed.

8. On 9 December the tribunal directed the respondent to

(i) Send to the tribunal copies of the reports provided by a central heating engineer and the detailed damp survey obtained to comply with items (b) and (c) of the RSEO

(ii) Instruct a SELECT, NICEIC OR NAPIT registered electrician to provide an Electrical Condition Installation Report (EICR) following a full inspection of the electrical installation and apparatus throughout the Property and to repair or renew any areas categorised C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards

9. By emails dated 11 & 22 February 2022 the respondent sent satisfactory central heating and damp specialist reports to the tribunal.

10. By email dated 16 March 2022 the respondent sent a satisfactory up to date EICR to the tribunal.

11. The tribunal is now satisfied that the work required by the RSEO has been completed.

12. The tribunal therefore decided to issue a certificate of completion of works in terms of s. 60 of the Housing (Scotland) Act 2006.

13. 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.

14. 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.

Signed
Legal Memb

22 March 2022