

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/DD3/149/12

Title No: ANG51248

Property at 108 St Fillans Road, St Mary's, Dundee, DD3 9JX ("The Property")

The Parties:-

MR AND MRS KENNETH BEATTIE residing at 108 St Fillans Road, St Marys, Dundee, DD3 9JX ("the Tenants")

CALUM MACLEAN WATT, CPW PROPERTY INVESTMENT, 128 Henderland Road, Bearsden, Glasgow, G61 1JA ("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 served on 4 January 2013 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.

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(s) are executed by Ewan K Miller, Chairman, Solicitor, Thorntons Law LLP, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Tribunal at Dundee on 18 May 2017 before this witness:-

E Miller

Chairperson

__ (witness)

Lindsay Johnston
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber), statutory successor to the Private Rented Housing Committee in terms of the Tribunals (Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016

Notice of revocation of the Rent Relief Order issued under section 27(4) of the Housing (Scotland) Act 2006

Reference PRHP/RP/ DD3 /149/12

Property at 108 St Fillans Road, St Mary's, Dundee DD3 9JX ("the house")

The Parties:-

Mr and Mrs Kenneth Beattie, residing at the house ("the Tenants")

Mr. Calum Maclean Watt, CPW Property Investment, 128 Henderland Road, Bearsden, Glasgow G61 1JA ("the Landlord")

NOTICE OF REVOCATION

The Private Rented Housing Committee hereby gives notice that the works, required by the **Repairing Standard Enforcement Order** relative to the house served on 4 January 2013 has been completed. Accordingly, the Rent Relief Order relative to the house is revoked.

Reference should be made to Sections 63 (4) and (5) of the Housing (Scotland) Act 2006 for information as to the date when the revocation will take effect. To ascertain the last date on which the decision can be appealed which is referred to in Section 63(5) , please refer to the information note on appeals and reviews, a copy of which is attached.

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.

E Miller

Chairperson
18 May 2017

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/DD3/149/12

Property at 108 St Fillans Road, St Mary's, Dundee, DD3 9JX ("The Property")

The Parties:-

MR AND MRS KENNETH BEATTIE residing at 108 St Fillans Road, St Marys, Dundee, DD3 9JX ("the Tenants")

CALUM MACLEAN WATT, CPW PROPERTY INVESTMENT, 128 Henderland Road, Bearsden, Glasgow, G61 1JA ("the Landlord")

Tribunal Members:

MR E K MILLER, Chairman and Legal Member and MR D GODFREY, Ordinary Member

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 now complied with the Repairing Standard Enforcement Order ("RSEO") in respect of the Property made on 4 January 2013, determined that the Landlord had now complied with the Order and that a Certificate of Completion should be issued in terms of Section 60(5) of the Housing (Scotland) Act 2006. The Tribunal also determined that the Rent Relief Order over the Property should be revoked.

Background

- 1. This case was previously dealt with by the Private Rented Housing Panel and a Committee constituted thereunder in terms of the Housing (Scotland) Act 2006 ("the Act").**

On 1 December 2016, the role and functions of the Private Rented Housing Panel and the Committee were transferred to the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal). Accordingly the Tribunal has the power to continue to deal with this matter.

2. On 4 January 2013, the Committee issued a determination which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) of the Act. The Committee had issued an RSEO in respect of the Property. The RSEO required the Landlord:-

- (a) To repair or replace the loose/broken floorboards within the Property to a standard sufficient to meet the repairing standard;
- (b) To replace the bathroom floor in order to meet the repairing standard.
- (c) To provide an electrical installation condition report from a suitably qualified electrician confirming that the electrical installation and fuse box/consumer unit within the Property is in safe working order and otherwise meets the repairing standard.
- (d) to carry out such works of repair or replacement to the upper hall window and the patio doors to ensure that they are able of being opened and closed smoothly and are properly wind and watertight and otherwise meet the repairing standard. In relation to all the windows at the Property to carry out appropriate redecoration works to bring them up to the repairing standard.

The RSEO had given the Landlord 2 months to carry out the works by the RSEO.

3. In March 2013 a reinspection of the Property was carried out. At that point the Landlord had failed to carry out any works. The Committee, in light of the failure by the Landlord to carry out any works, had reported notice of the failure to comply to the local authority and also to the Police for consideration for prosecution. The Committee had also imposed a Rent Relief Order ("RRO") on the Landlord at 90%.
4. Thereafter a number of years passed without any contact from the Landlord. However in early 2017 the Landlord contacted the Tribunal and advised that works had now been carried out. Accordingly a reinspection of the Property took place on Monday 27 February 2017. A copy of the second reinspection report and pictures relating thereto are annexed and executed as relative hereto. This was carried out by Mr David Godfrey, the original Surveyor under the Committee and now an Ordinary Member of the Tribunal. The Tenant was present and gave access. The Ordinary Member advised that several loose/broken floorboards within the Property had been replaced. He further advised that the bathroom floor had been repaired/replaced as required. An electrical installation condition report had been provided although one of the pages was missing. The windows in the Property had been replaced although some external sills had yet to be fitted. Subsequent to the reinspection occurring the Landlord provided a complete copy of the electrical installation condition report. He also provided photographic evidence that the external sills had been fitted.

5. The Tribunal, comprising Mr E K Miller, Chairman and Legal Member and Mr D Godfrey, Ordinary Member considered matters. The Tribunal was satisfied that all the works required by the RSEO had now been carried out. The Tribunal was also pleased to note that the gas fired central heating system had also been installed in the Property and this was helping alleviate the condensation problems that had previously been present.

After considering matters the Tribunal was satisfied that the Landlord had now carried out all work necessary for compliance with the RSEO. Accordingly the Tribunal was satisfied that a Certificate of Completion discharging the RSEO should now be issued. The Tribunal was also satisfied that it would be appropriate to now revoke the RRO that had been in place, given that compliance had been achieved.

Decision

6. The Tribunal accordingly determined that the Landlord had now complied with the duty imposed by Section 14 (1)(b) of the Act and that a Certificate of Completion to that effect should be issued. A revocation of the Rent Relief Order should also be issued.
7. The decision of the tribunal was unanimous.

Right of Appeal

8. 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.

Effect of section 63

9. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

E Miller

Signed

Date

Chairperson

This is the reinspection report and photographs ~~dated~~ date 27th February 2017 referred to in the Decision dated 18/5/17 of the Tribunal relating to 108 St Fillans Road, Duneas

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



E Miller

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2nd RE-INSPECTION REPORT



Property: 108 ST FILLANS ROAD, ST MARYS, DUNDEE DD3 9JX
Ref no: PRHP/DD3/149/12
Surveyor: David Godfrey
Inspection: The property was inspected at 1.00 pm Monday 27th February 2017.
Access: Mr Kenneth Beattie (Tenant) was present and provided access to the property.

Repairing Standard Enforcement Order:

In particular the Private Rented Housing Committee requires the landlord:-

- (a) To repair or replace the loose/broken floorboards within the Property to a standard sufficient to meet the repairing standard;*
- (b) To replace the bathroom floor in order to meet the repairing standard.*
- (c) To provide an electrical installation condition report from a suitably qualified electrician confirming that the electrical installation and fuse box/consumer unit within the Property is in safe working order and otherwise meets the repairing standard.*

(d) to carry out such works of repair or replacement to the upper hall window and the patio doors to ensure that they are able of being opened and closed smoothly and are properly wind and watertight and otherwise meet the repairing standard. In relation to all the windows at the Property to carry out appropriate redecoration works to bring them up to the repairing standard.

The Private Rented Housing Committee order that the works specified in this Order must be carried out and completed within the period of 2 months from the date of service of this Notice.

General Remarks:

A re-inspection of the property was previously carried out on 15th March 2013 at which time it was noted that none of the items contained within the Repairing Standard Enforcement Order had been attended to.

Although not contained within the Repairing Standard Enforcement Order it was noted during the recent inspection that a gas fired central heating system has been installed and this has helped alleviate the condensation problems within the property.

Works in Repairing Standard Enforcement Order completed since original inspection:

1. Several loose/broken floorboards within the Property have been replaced.
2. The Bathroom floor has been repaired/replaced as required.
3. An electrical installation condition report has been obtained.
4. With the exception of the window in the Hall, the windows throughout the property have been replaced (including the patio doors in the Lounge)

Works in Repairing Standard Enforcement Order outstanding following re-inspection:

1. The electrical installation condition report is incomplete and further clarification is required.
2. Although the windows have been replaced, the external sills have still to be fitted.

Photographs

- A. Bathroom floor
- B. Hall Floor
- C. Typical replacement window (interior)
- D. Patio doors in Lounge (interior)
- E. Rear elevation showing replacement windows/patio doors
- F. Side elevation showing replacement windows
- G. Central heating boiler



Bathroom floor



Hall floor



Typical replacement window (interior)



Patio doors in Lounge (interior)



Rear elevation showing replacement windows/patio doors



Side elevation showing replacement windows



Central heating boiler

David Godfrey, MRICS

27th February 2017