

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

STATEMENT OF DECISION of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 24 (1) of the Housing (Scotland) Act 2006

Ref: FTS/HPC/RT/18/0219

Property: 18 Dee Path, Holytown, ML1 4SX being the subjects registered in the Land Register of Scotland under Title No: LAN19005 ("**the property**")

The Parties:-

North Lanarkshire Council, Regulatory Services and Waste Solutions, Public Health and Housing Team, Municipal Buildings, Kildonan Street, Coatbridge, ML5 3LF ("**the Third Party Applicant**")

and

Denis McNaughton, residing at 62 Dundrennan Drive, Chapelhall, Airdrie, ML6 8GT ("**the Landlord**")

Tribunal Members:-

Mr James Bauld – Legal Member

Ms Carol Jones – Ordinary Member

Background

1. An Application was made to the First-tier Tribunal by the Third Party Applicant and was received on 30 January 2018. After sundry procedure a hearing took place on 23 August 2018 and the Tribunal issued a Decision dated 6 September 2018 subsequent to that hearing.
2. In that Decision the Tribunal directed that the Landlord should produce to the Tribunal either:
 - a. A document from a suitably qualified and registered electrician confirming that they have considered the terms of the electrical job sheet dated 22 September 2017 and confirming that they are satisfied the remedial work requiring in terms of that electrical job sheet has been fully completed and that there is no current risk of any electric shock from the taps in the bathroom or;
 - b. The Landlord should produce a fresh electrical installation condition report from a suitably qualified and registered electrician dated subsequent to the date of this Direction.
3. Subsequent to the issue of the Decision, the Landlord provided to the Tribunal an electrical installation condition report dated 12 October 2018. This report was prepared by an NICEIC registered electrician Rodgers Electrical Services Limited of 8 Upper Mill Street, Airdrie. The

report confirmed that the electrical installation within the Property at 18 Dee Path, Holytown was in satisfactory condition.

4. Accordingly the Tribunal are happy to accept that the Property currently complies with the repairing standard as set out in the Housing (Scotland) Act 2006.
5. Accordingly the Tribunal directs that no Repairing Standard Enforcement Order should be made.
6. The Decision of the Tribunal is unanimous.

Right of Appeal

1. 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.
2. 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.

J Bauld

Signed
James Bauld, Chairperson

Date 18 December 2018

J. G

.....Witness
