

Housing and Property Chamber First-tier Tribunal for Scotland



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

Decision: Housing (Scotland) Act 2006 (“the 2006 Act”), Section 60

Reference number: FTS/HPC/RP/19/3640

Title No: GLA72459

Re: Property at 210 Curtis Avenue, Glasgow, G44 4NR (“the Property”)

The Parties:

Mr Muhammad Baig, 33 Nethervale Avenue, Glasgow, G44 3XP (“the Landlord”)

Tribunal Members:

Graham Harding- Legal Member

Lori Charles- Ordinary Member

DECISION

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’), having taken account of the findings of the re-inspection on 6 April 2022, the documentation received from the Landlord, the evidence obtained at the hearing on 11 October 2021 together with the reasons for the Decision of the Tribunal and the Repairing Standard Enforcement Order served on the Landlord and dated 12 November 2021 determined that the Landlord has complied with the said Repairing Standard Enforcement Order.
2. The Tribunal issued a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006.
3. The Decision of the Tribunal was unanimous.

Findings in Fact

4. The Landlord has fitted a trickle vent into the existing kitchen window and installed a mechanical extractor fan and heat detector. A new bathroom suite has been fitted together with a mechanical extract fan and remote control over head heating unit.

5. The Landlord has replaced the left front end cap of the gutter at the property although at the time of the re-inspection there was still a slight leak which the Landlord undertook to repair.
6. The house meets the repairing standard as specified in Section 13 of the 2006 Act.

Reasons for Decision

7. Reference is made to the full terms of (i) the Decision of the Tribunal and (ii) the Repairing Standard Enforcement Order ("RSEO") both served on the Landlord and dated 12 November 2021.
8. Following the re-inspection of the property on 6 April 2022 by the Tribunal it appeared that all of the works specified in the RSEO have been completed. Whilst the Tribunal acknowledged that there was a minor issue with a slight leak from the end cap at the front left gutter it was the view of the Tribunal that this did not materially affect the property. The Tribunal was also satisfied that the Landlord was taking steps to have it repaired and that no purpose would be served by varying or continuing the RSEO. The Tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act on that basis.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

G Harding

Grain Harding
Legal Member and Chairperson

Date 30 June 2022