

Housing and Property Chamber First-tier Tribunal for Scotland



Statement of Reasons for Certificate of Completion of Work : Housing (Scotland) Act 2006 Section 60

Reference number: FTS/HPC/RP/22/0103

Re: Property at 8C Boyd Street, Prestwick KA9 1JZ (registered under title number AYR2588) (“Property”)

The Parties:

Kimberley Harkiss, 8C Boyd Street, Prestwick KA9 1JZ (“Tenant”)

Resham Kaur, 2 Winston Avenue, Prestwick KA9 2EZ (“Landlord”)

Tribunal Members :

Joan Devine (Legal Member); Mike Links (Ordinary Member)

DECISION

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”), having made such enquiries as are fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order dated 14 April 2022 (“RSEO”) in terms of Section 26(1) of the Housing (Scotland) Act 2006 (“the Act”), decided that the works specified in the RSEO have been completed to the satisfaction of the Tribunal, and grants a Certificate of Completion to the effect of discharging the RSEO.

REASONS

1. Reference is made to the RSEO which required the Landlord to carry out the works specified therein within 21 days of the date of service of the RSEO.
2. Following the expiry of the time limit, the Tribunal carried out a re-inspection of the Property on 27 June 2022 and prepared a re-inspection report dated 30 June 2022.
3. The re-inspection carried out on 27 June 2022 disclosed that the works specified in the RSEO had been completed although no interlinking heat detector has been fitted in the kitchen. A photograph of an alarm has been submitted since the inspection but the Tribunal could not determine whether this alarm is what is

required in the kitchen. A copy of the report was sent to the Landlord and the Tenant. The Landlord provided a letter from M&F electrics dated 28 June 2022 in which they stated that the alarms in the Property were interlinked and all working. The Tenant did not comment on the reinspection report but requested a hearing. A Hearing took place on 7 December 2022. The Tenant told the Tribunal there had been a leak in the kitchen ceiling which had now been fixed. The Landlord told the Tribunal that a roofer had replaced loose slates on the roof

4. The Tribunal resumed consideration of the Application and determined to issue a Certificate of Completion to the effect of discharging the RSEO.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

7 December 2022