

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision relative to the Certificate of Completion issued by the Tribunal under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/16/0273

Title Number: KNC11790

Re : Property at 44 Fittick Place, Cove, Aberdeen, AB12 3PJ (“the Property”)

The Parties:-

Gordon McGregor, formerly residing at 44 Fittick Place, Cove, Aberdeen, AB12 3PJ (“the former Tenant”)

and

Ms Elizabeth Yonetsugi, residing at 490-30 Matsudo Shinden, Matsudo City, Chiba Prefecture, Japan, 270-2241 (“the Landlord(s)”)

The Tribunal comprised:-

Mrs Ruth O’Hare - Chairperson

Mr Colin Hepburn - Surveyor member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) having made such enquiries as are fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (“RSEO”) relative to the Property determined that the Landlord had complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

Background

1. Reference is made to the determination of the Private Rented Housing Committee (“the Committee”) dated 23 November 2016 which determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act in that she had failed to ensure that the Property met the Repairing Standard. On the same date the Committee issued an RSEO in respect of the Property. The works required by the RSEO were:-

- (a) Carry out such works as are necessary to repair the harling and ensure it is in a reasonable state of repair.

The RSEO gave the Landlord six months to carry out the works.

2. By email dated 3 January 2017 the Landlord contacted the Tribunal to advise that the work required by the RSEO had been completed. The Tribunal therefore agreed to arrange a reinspection albeit the period of the RSEO had not yet expired.
3. On 17 January 2017 the Surveyor Member attended the property to carry out a re-inspection. Access was provided on behalf of the Landlord by Keith Fowler and Elizabeth Duff. The Surveyor Member noted that harling had been redone to a reasonable standard and therefore the works required by the RSEO had been completed. A copy of the re-inspection report dated 23 January 2017 is produced herewith and referred to for its terms.

Reasons for decision

4. The Tribunal having had regard to the findings from the re-inspection concluded that the RSEO had been complied with and it was therefore appropriate to grant a Certificate of Completion discharging the RSEO. The decision of the Tribunal was unanimous.

Right of Appeal

5. **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.

R O'Hare

Signed _____

Ruth O'Hare, Chairperson
First Tier Tribunal for Scotland (Housing and Property Chamber)

3 February 2017

Housing and Property Chamber First-tier Tribunal for Scotland



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

Certificate of Completion under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/16/0273

Title Number: KNC11790

Property at 44 Fittick Place, Cove, Aberdeen, AB12 3PJ being the subject registered in the Landlord Register of Scotland under Title Number KNC11790 ("the Property")

The Parties:-

Gordon McGregor, formerly residing at 44 Fittick Place, Cove, Aberdeen, AB12 3PJ ("the former Tenant")

and

Ms Elizabeth Yonetsugi, residing at 490-30 Matsudo Shinden, Matsudo City, Chiba Prefecture, Japan, 270-2241 ("the Landlord(s)")

The First-Tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") hereby certifies that the work required by the Repairing Standard Enforcement Order ("RSEO") relative to the Property dated 23 November 2016 has been completed. Accordingly the said RSEO relative to the Property has been discharged.

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Ruth O'Hare, Solicitor, 7 Mossbeath Grove, Glasgow, G71 7UU, chairperson of the tribunal at Stirling on 3 February 2017 before this witness:-

Lauren Grant

R O'Hare

witness

chairperson

Lauren Grant, Trainee Solicitor
c/o Stirling Council, Old Viewforth
Pitt Terrace, Stirling



Re-inspection report

Date of inspection: 17th January 2017

Reference Number: PRHP/RP/16/0273

Property: 44 Fittick Place , Cove Bay , Aberdeen , AB12 3PJ

Surveyor: Colin F Hepburn

Access: Provided by Mrs Elizabeth Duff

In attendance: Mrs Elizabeth Duff and Mr Keith Fowler

Repairing Standard Enforcement Order (RSEO)

Whereas in terms of its decision dated 23rd November 2016, the Private Rented Housing Committee determined that the Landlord had failed to comply with the duty imposed on it by Section 14(1)(b) of the Act and in particular that the landlord has failed to ensure that the house meets the repairing standard in that:

- The structure and exterior of the house (including drains, gutters and external pipes) are not in a reasonable state of repair and in proper working order.**

Works required by the RSEO:

- 1. Carry out such works as are necessary to repair the harling and ensure it is in a reasonable state of repair.**

Works in the RSEO undertaken:

The exterior walls both front and rear have been reharled.

Outstanding works:

There are no outstanding works.

Photographs were taken on the day of inspection and are attached.

Colin F Hepburn MRICS

Date of report: 23rd January 2017



