

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Determination: Statement relative to Certificate of Completion of work issued under Section 60 of the Housing (Scotland) Act 2006 (the 2006 Act).

Chamber Reference: FTS/HPC/RP/20/1890

Parties:

Miss Lisa McCabe, Mr Martyn John Curran, 120 Kingsbridge Drive, Glasgow, G44 4JS (“the Tenants” and “the Applicants”)

Staffa Rock PLC (formerly Carduus Housing PLC), c/o Indigo Square Property Ltd, 42 Holmlea Road, Glasgow, G44 4AL (“the Landlord” and “the Respondent”)

Castlemilk Law & Money Advice Centre, 155 Castlemilk Drive, Castlemilk Drive, Castlemilk, Glasgow G45 9UG (“the Applicants’ Representative”)

Indigo Square Property Ltd, 42 Holmlea Road, Glasgow, G44 4AL (“the Respondent’s Representative”)

Tribunal Members:

Martin McAllister (Legal Member) and Donald Wooley (Ordinary Member) (“the tribunal”)

Background:

1. On 31st October 2021 the First-tier tribunal for Scotland (Housing and Property Chamber) made a repairing standard enforcement order (RSEO) in respect of the property.
2. The RSEO was in the following terms:

The Landlord is required to;

1. **Repair or renew the cracked and bowing ceiling plaster within the living room, ensuring that it is in a reasonable state of repair and in proper**

**working order. Thereafter all appropriate redecoration arising as a result of this repair should be completed as necessary.
(Section 13(1)(b) of the 2006 Act)**

- 2. Renew or significantly upgrade the windows to contemporary standards ensuring appropriate ventilation.
(Section 13(1)(a) of the 2006 Act)**
- 3. Insulate the single skin areas of the outer walls, around and below the window openings, to a standard which will adequately address the issue of condensation occurring at these areas.
(Section 13(1)(a) and 13(1)(b) of the 2006 Act)**

The tribunal determined that the works are to be completed by 31st December 2021.

4. On 31st January 2022, the tribunal inspected the Property and the Ordinary Member prepared a Re-inspection report dated 31st January 2022. A copy of the said report is attached to this Decision and is referred to for its terms.
5. A copy of the Re-inspection Report was sent to the parties for comment and they were asked to respond by 15th February 2022. No representations were received other than the Respondent's Representative lodging copies of two documents.
6. The Respondent's Representative submitted a copy of an invoice from a contractor detailing that work was done to install insulation in areas under all windows in the Property "with celotex insulation and repanel with moisture resistant M.D.F."
7. The Respondent's Representative submitted a letter from a contractor dated 31st January 2022 confirming that arrangements would be made to return to the Property to complete works around the ceiling rose and smoke alarm and complete snagging works.
8. The tribunal considered matters, determined that it was satisfied, on the basis of the inspection of the Property and the documentation lodged by the Respondent's Representative after the inspection, that the work required by the RSEO had been completed and that it was appropriate to issue a Certificate of Completion in terms of Section 60 of the 2006 Act.

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.

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.

M McAllister

Martin J. McAllister, Solicitor,
Legal Member

21st February 2021