

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 60

Chamber Ref: PRHP/RP/15/0104

Property at 64 Columba Crescent, Forgewood, Motherwell ML1 3YE (“the Property”)

The Parties:-

**Douglas McCallum, 64 Columba Crescent, Forgewood, Motherwell ML1 3YE
(hereinafter referred to as “the Tenant”)**

**Shabir Latif, 12 Woodvale Road, Radcliffe, Manchester M26 1UA (hereinafter
referred to as “the Landlord”)**

Tribunal Members

John McHugh, Chairperson

Mike Links, Ordinary (Surveyor) Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the work required by the Repairing Standard Enforcement Order dated 15 July 2015 (“the RSEO”) has been completed.

The decision was unanimous.

Background

The RSEO dated 15 July 2015 made by the Tribunal's predecessor, a Committee of the Private Rented Housing Panel, required the Landlord to complete the following work within 28 days of service of the RSEO:

- 1 To have the central heating system put into operating condition to include ensuring that none of the radiators leak and that the boiler produces hot water as intended and to have a new Landlords Gas Safety Certificate issued by a Gas Safe registered engineer.
- 2 To repair or replace the windows such that all windows are capable of being opened and closed as designed, are reasonably draught proof and that all locking and handle mechanisms operate as intended.
- 3 To remove all mould present on the walls, ceiling and on the windows of the House and to redecorate any affected areas.
- 4 To install fire detection devices in compliance with the terms of the Scottish Government Guidance on Satisfactory Provision for Detecting and Warning of Fires.

The Committee, on the application of the Landlord, extended the 28 day period by a further 21 days in terms of its decision of 17 September 2015.

Reasons for the Decision

On 31 August and 28 October 2015, on 27 August 2018 and 11 September 2019 the Surveyor Member of the Committee/Tribunal had carried out re-inspections of the House and noted that not all of the works required by the RSEO had been completed.

At the last re-inspection, the following was noted:

Items 3 and 4 on the RSEO have been addressed.

A new gas fired central heating boiler has been installed. However, the front bedroom radiator was leaking and has been cut-off and the hall radiator was also leaking.

The kitchen and living room windows had been renewed. All the other window frames in the flat remained in a similar poor condition as previously reported.

Since the date of the re-inspection, the landlord has provided documentary evidence satisfactory to the Tribunal that the windows have been replaced and that all radiators are in working order. In particular, he has provided an invoice for the replacement windows from "Wilz Windows" and a report from Brian Watt, Gas Safe Registered Engineer confirming that the radiators are in satisfactory working order.

Right of Appeal

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.

Effect of section 63

Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed J McHugh Chairperson

Date29 October 2020.....