

# Housing and Property Chamber First-tier Tribunal for Scotland



The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”)  
Statement of reasons for issuing a Certificate of Completion of work under section 60 of  
the Housing (Scotland) Act 2006 (“the Act”)

**Chamber reference number:** FTS/HPC/RP/19/2641

**Title number:** DMB 31865

**Re:** Property at 20 Burns Court, Kirkintilloch, Glasgow, G66 2NP (“the property”)

**The Parties:**

**Ms Caroline Ferguson**, 20 Burns Court, Kirkintilloch, Glasgow, G66 2NP (“the tenant”)  
represented by Raymond Heath, East Dunbartonshire Citizens Advice Bureau, 11 Alexandra  
Street, Kirkintilloch, Glasgow, G66 1HB

**Mr John Dickson**, 24 Duntiblae Road, Kirkintilloch, Glasgow, G66 3JQ (“the landlord”)

**Tribunal members:** Simone Sweeney (legal chairing member) and Mike Links (ordinary  
surveyor member)

## Decision

1. The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the landlord has complied with the full terms of the Repairing Standard Enforcement Order (“RSEO”) of 13<sup>th</sup> March 2019 in relation to the property and taking into account the documentation before the Tribunal, determined that the landlord has now complied with the terms of the RSEO and resolved to issue a Certificate of Compliance in respect of the works required by the RSEO.
2. The decision of the Tribunal is unanimous.

## Background

3. Reference is made to the decision of the Tribunal of 11<sup>th</sup> November 2019 in which the Tribunal determined that the landlord had failed to comply with the duty imposed

by Section 14 (1) (b) of the Act in that he had failed to ensure that the property met the repairing standard and issued an RSEO.

4. The RSEO required that the landlord:

*1. Repair or replace as necessary the full window in the kitchen.*

*2. Repair or replace as necessary the light fitting at the entrance to the property.*

5. A period of six weeks was permitted to the landlord to complete the works.

6. By email of 18<sup>th</sup> December 2019 the landlord produced two invoices. One invoice was from McLuskey Glazing Ltd. dated 27<sup>th</sup> November 2019. The description of work read,

*"To refit sash and fit new handle to kitchen window at 20 Burns Court Kirkintilloch G66 2NP."*

7. The second invoice, dated 8<sup>th</sup> November 2019 was from Scott McCallum, Electrical Contractor. The description of works completed read,

*"20 Burns Court, Kirkintilloch, G66 To install light fitting in outside space with a switch in utilities cupboard at the above address."*

8. An inspection of the property was undertaken by the surveyor member of the Tribunal on 13<sup>th</sup> January 2020. Present at the inspection on 13<sup>th</sup> January 2020 was the tenant and her representative, Mr Heath. An email was received from the landlord dated 13<sup>th</sup> January 2020 at 21:16. The email read,

*"I've just noticed that the property at Burns Court was to be checked out today at 2pm. My apologies for not being there. As it happens, I had to take my wife, who suffers from severe osteoporosis, to an appointment."*

9. Reference is made to the content of the surveyor's report of 14<sup>th</sup> January 2020.

10. In respect of part 1 of the RSEO, the surveyor identified that the window in the kitchen had been replaced and was "now capable of opening and closing." The surveyor observed that a new handle had been fitted to the replacement window which did not match the original handle. The surveyor noted that, *"the window contractor is to change the handle and loosen it for easier opening."*

11. In respect of part 2 of the RSEO, the surveyor identified that the light at the entrance of the property was operating, *"from a switch within the flat."*
12. The surveyor noted no works to be outstanding in the RSEO.
13. A copy of the surveyor's report was issued to the parties on 16th January 2020.
14. The response from the tenant's representative received on 22<sup>nd</sup> January 2020 confirmed that the tenant agreed with the findings of the re-inspection report and that no rent relief order should be issued against the landlord.

#### **Reason for decision**

15. The Tribunal has considered the findings of the surveyor member's re-inspection of 14th January 2020 together with the documentation produced and the response of the tenant through her representative of 22<sup>nd</sup> January 2020. Given the surveyor's findings that there are no works outstanding and the tenant is in agreement with this, the Tribunal determined that all works required by the RSEO have been completed, that the property now meets the Repairing standard and that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act.

#### **Appeals**

16. 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 on which the decision was intimated to them.
17. 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.

S Sweeney

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Simone Sweeney, Legal Chairing Member, 30th January 2020

# Housing and Property Chamber First-tier Tribunal for Scotland



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

### RE-INSPECTION REPORT

30<sup>th</sup> JANUARY 2020



*This page and the following 2 pages in the re-inspection report is the report referred to in the statement of reasons dated 30<sup>th</sup> January 2020*  
S Sweeney

*SIMONE SWEENEY, LEGAL MEMBER*

PROPERTY: 20 Burns Court, Kirkintilloch, Glasgow G66 2NP

HPC REF No: FTS/HPC/RP/19/2641

SURVEYOR: Mr M Links

IN ATTENDANCE: Ms Caroline Ferguson (Tenant)

Mr R Heath (Tenant's representative. Citizens Advice Bureau)

Ms R Forbes (Clerk to the Tribunal)

WEATHER: Wet.

ACCESS: I re-inspected the property on Monday 13<sup>th</sup> January 2020 at 2pm.

RSEO:

The following works are required by the RSEO following on from the Inspection and Hearing on 1<sup>st</sup> November 2019.

1. Repair or replace as necessary the full window in the kitchen.
2. Repair or replace as necessary the light fitting at the entrance to the property.

#### WORKS IN RSEO UNDERTAKEN:

~~X~~ On the 18th December 2019, the landlord remitted to the Tribunal administration, two receipts for the repair works listed in the RSEO. These receipts were forwarded to the Tribunal.

Both items Nos 1 and 2 in the RSEO have been carried out.



Window tilted.



Window open in swing position



Right hand handle renewed though not matching original.

The tenant complains that the new handle is too "stiff" for her to operate. It is understood the window contractor is to change the handle and loosen it for easier opening. Notwithstanding, the window is now capable of opening and closing.



The light at the entrance now operates from a switch within the flat.

**WORKS IN RSEO OUTSTANDING:**

None

**RECOMMENDATION:**

Once the re-inspection report is forwarded to the Landlord, Tenant and Representative for comment the Tribunal will then decide what further action is required.

Mr M Links

Ordinary Member (Surveyor)

Housing and Property Chamber

Date: 14<sup>th</sup> January 2020

S Sweeney