

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).

Tribunal Reference: PRHP/RP/13/0126

Re 2 Corlae Byre, Water O Ken, Castle Douglas, DG7 3UF being the subjects registered in the Land Register of Scotland under title number KRK2721 ('the Property')

The Parties:-

Ms Margaret Taylor residing at 2 Corlae Byre, Water O Ken, Castle Douglas, DG7 3UF (The Tenant')

Mr James Hoyles, Holmhead Farm, Moniaive, Dumfriesshire, DG3 4ER ('The Landlord')

Background:

1. On 3rd March 2014 the then Private Rented Housing Panel made a repairing standard enforcement order (RSEO) in respect of the House. The members of the Panel dealing with the matter were Martin J. McAllister, legal member, George Campbell, surveyor member and Jim Riach, housing member. Following upon the transfer of functions to the First-tier tribunal for Scotland (Housing and Property Chamber), the members of the tribunal dealing with the matter are Martin J. McAllister, legal member and Greig Adams, surveyor, ordinary member. The Decision of the Panel was subject to an appeal and the final determination of the Court confirming the Decision was dated 6th August 2014.
2. The tenancy of the House has been lawfully terminated.

3. The RSEO was in the following terms:

The Landlord was required to

- a) Restore an adequate water supply to the Property,
- b) Obtain a report from a suitably qualified person confirming that the AGA has been properly installed and is safe,
- c) Ensure that the showers in the Property are in good working order and
- d) Ensure that handles are installed to all internal doors.

4. On 19th April 2018 the ordinary member of the tribunal inspected the House and a copy of his report with relevant photographs is attached.
5. The report discloses that, at the time of inspection, all the works required by the RSEO had been completed other than the work in connection with the AGA. The ordinary member reported that it had been removed and replaced with a multi fuel appliance which was in good working order at the time of the inspection.
6. A copy of the re-inspection report was sent to the Landlord but, prior to this being dispatched to him, the Landlord sent an email to the Tribunal indicating that he wanted to enter into a tenancy with a family which would be homeless by the end of May 2018.
7. The members of the tribunal noted that the tenancy was at an end. They saw no need to wait for representations of the Landlord before dealing with matters particularly in view of the Landlord's desire to accommodate potential tenants who may otherwise be homeless.
8. The tribunal considered matters and determined that, based on the findings of the ordinary member from his inspection on 19th April 2018 the House meets the repairing standard.
9. The tribunal considered matters, determined that it was satisfied that the work had been completed and that it was appropriate to issue the 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.

Martin J. McAllister, Solicitor,
Legal Member of the Housing and
Property Chamber of the First-tier
Tribunal for Scotland.

9th May 2018

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Re-Inspection Report

Chamber Ref: PRHP/RP/13/0126



Title No: KRK2721

**2 Corlae Byre, Water of Ken, Castle Douglas, DG7 3UF
(‘The Property’)**

The Parties:-

**Mr James Hoyle, Holmhead Farm, Moniaive, Dumfriesshire, DG7 3UF
(“the Landlord”)**

Ms Margaret Taylor, previously residing at 2 Corlae Byre, Water of Ken, Castle Douglas, DG7 3UF (“the previous Tenant”)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) comprising: Martin McAllister (Chairing and Legal Member) and Greig Adams (Ordinary Member).

Background: The Tribunal issued a Decision on 20 February 2014 requiring the Landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property. The RSEO required the works detailed to be completed within a 28 day period from service.



The decision of the Tribunal was subject to an appeal process and the Landlord elected to appeal to the Sheriff by summary application. During the appeal process the decision and order was suspended until final determination was provided confirming the decision (Court Ref No. B219/14 dated 6 August 2014).

Access: The re-inspection was undertaken on 19 April 2018 at 10.00am by Mr Adams, Ordinary Member of the Tribunal. The inspection extended to a survey of the recently completed items progressed by or on behalf of the Landlord.

Mr Adams was accompanied by the Landlord within the property throughout the inspection. The original applicant and former Tenant is no longer in occupation and the property was empty at the time of inspection.

Purpose of Re-inspection: The purpose of the re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order has been completed.

Works required under the Repairing Standard Enforcement Order (RSEO): The RSEO required the Landlord:

1. Restore an adequate water supply to the Property.
2. Obtain a report from a suitably qualified person confirming that the AGA has been properly installed and safe.
3. Ensure that the showers in the Property are in good working order.
4. Ensure that handles are installed to all internal doors.

The Tribunal ordered that the works specified in the Order must be carried out and completed within 28 days following the determination by the Sheriff (i.e. 28 days from 6 August 2014).

The re-inspection found:

- 1 The water supply had been reinstated to the property and stop cocks had been turned on to allow confirmation to be obtained that there was an adequate water supply to the Property with running water evident at water outlets during the inspection.
- 2 The AGA forming part of the RSEO had been removed from the property. A new multi-fuel appliance has been installed in the location of the previous AGA set on a hearth with a flue extract provided into the stone chimneybreast. We understand that the new appliance was installed by Woodburner Installations and details of the installation were provided to the Ordinary Member. The appliance was in good working order at the time of the inspection.
- 3 The showers within the property were tested for operation and were found to be in good working order.
- 4 The property has been subject to refurbishment including provision of handles to all doors.



This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

Greig Adams BSc (Hons) FRICS C. Build E FCABE LETAPAEWE
Surveyor Member
First-tier Tribunal for Scotland (Housing and Property Chamber)

Appendix A – Photographic Record



1 Front Elevation

WOODBURNER INSTALLATION

Installations

1778145/545555

EXTERNAL FLUE SYSTEM

11/14/13

CUSTOMER DETAILS	
NAME	Mr. J. J. J.
TEL	01463 30972
FAX	01463 30972
EMAIL	Mr. J. J. J.

APPLIANCE DETAILS	
MAKE	Stove
MODEL	Stove
FUEL	Stove

FLUE DETAILS	
DIA	150mm
A	2.4m
B	1.6m
C	300mm
D	Stove
E	3.0m
F	N/A
G	42°

Stone chimney

Heat shield 12mm + 12mm Gap

Sweep 2-3 times a Year

estimate

To be assessed by Registered Plumber

2 Information on multi-fuel appliance installation



3 Close view of supplied information



4 Running water from outlets.



5 New multi-fuel appliance



6 Bathroom



7 Working shower



8 Further view of working multi-fuel appliance



9 Door handles fitted



10 Further view of door handles fitted.