

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Reasons for Certificate of Completion of Work: Housing (Scotland) Act 2006, Section 60 as amended (“the Act”)

Chamber Ref: FTS/HPC/RP/17/0319

Land Register Title Number: LAN58436

4 Easdale, East Kilbride, G74 2EB (“The Property”)

The Parties:-

Mr Jack Taggart and Ms. Caitlin McConnell, formerly residing at 4 Easdale, East Kilbride, G74 2EB

(“The Tenants”)

Per their Agent Mr Martin Taggart, 11 Ermelo Gardens, East Kilbride G75 9DP

Mr Vincent Paterson, previously EK Business Centre, 14 Stroud Road, East Kilbride, G75 0YA; 7 Lodge Cottages, Elvanfoot, Biggar, ML12 6TQ and now 112 West Wellhall Wynd, Hamilton ML3 9LA

(“The Landlord”)

Represented by TCH Law, Solicitors, 29 Brandon Street, Hamilton ML3 6DA

Tribunal

Morag Leck – Legal member and Chairperson

Carol Jones – Ordinary member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) having made such enquiries as are appropriate for the purpose of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (RSEO) relative to the house dated 13th November 2017 determined that the Landlord has complied with the Order and that a Certificate of Completion to the effect of discharging the RSEO should be issued. The Tribunal’s decision is unanimous.

Reasons

1. Reference is made to the RSEO which required the Landlord to carry out the works specified therein within eight weeks from date of service of the RSEO.

2. The RSEO required the Landlord to:-

- a) instruct a suitably qualified Damp Proofing Specialist to investigate the cause of condensation/dampness in the House and to provide a report to the Tribunal, carry out any works recommended in the report, and provide evidence that the works have been completed satisfactorily in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation; and that the structure and exterior of the House (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order.
- b) instruct a suitably qualified contractor to repair or replace the dishwasher located in the kitchen of the house to ensure it is in a reasonable state of repair and proper working order.

3. Prior to expiry of the time limit the Landlord's representative made an application for review of the Tribunal's decision on 4th December 2017. The Tribunal agreed to proceed with a review and a further hearing thereon took place on 14th February 2018. Thereafter the Tribunal issued a written decision on 6th March 2018 confirming the original decision remain unchanged. An email update on work carried out was provided by the Landlord's representative on 6th March 2018.

4. Given the original time limit had expired, a re-inspection of the property was scheduled for 29th March 2018. Prior to that date written representations were received from the Landlord's representative on 22nd March 2018 detailing works which had been completed in relation to the RSEO and setting out the Landlord's position as to why the RSEO should be revoked.

5. The ordinary member carried out a re-inspection of the property on 29th March 2018 and prepared a report. A copy of the re-inspection report is annexed hereto.

6. The re-inspection on 29th March 2018 disclosed that the works specified in the RSEO had been completed. Prior to issue of the re-inspection report further representations in support of revocation of the RSEO were received from the Landlord's representative on 3rd April 2018.

7. Thereafter the re-inspection report was issued to the Landlord on 9th April 2018. Written representations in response were received on 9th and 23rd April from the Landlord's representative referring to earlier correspondence and further detailing the Landlord's position as to the specific works completed and submissions as to why the RSEO should now be revoked. The Landlord's representative also confirmed that a hearing was not requested.

8. The Tribunal resumed consideration of the Application and determined that in view of the terms of the re-inspection report and the representations and supporting documentation received from the Landlord's representative, it was not necessary to hold a further hearing, and it determined to issue a Certificate of Completion to the effect of discharging the RSEO.

Right of Appeal

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.

Morag Leck

Signed

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Chairperson

Date

3/5/18