

# Housing and Property Chamber

## First-tier Tribunal for Scotland

---



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

### Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) issued under Section 60 of the Housing (Scotland) Act 2006

**Chamber Reference number: FTC/HPC/RT/18/3539**

#### **Parties:**

Kenneth Davidson residing formerly at 78, Breadie Drive, Milngavie, Glasgow G62 6LR and thereafter at Almar, Glasgow G63 0QY (“the Landlord”) per his nominated representative in terms of Rule 10 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”), Ms. Lorna Davidson, Gilson Gray LLP, 160 West George St, Glasgow G2 2HG (“the Landlord’s Representative”).

**Property:** 11 Commonsides Street, Airdrie, ML6 6NQ being the subjects registered in the Land Register for Scotland under Title Number LAN66485 (“the Property”)

#### **Tribunal Members**

Karen Moore (Chairperson)

Geraldine Wooley (Ordinary Member)

#### **Decision**

The Tribunal determined that the Landlord has complied with the Repairing Standard Enforcement Order made by the Tribunal dated 8 April 2019 as varied in relation to the Property.

This Decision should be read in conjunction with (i) Decision and Repairing Standard Enforcement Order (“the RSEO”) in respect of the Property both dated 8 April 2019 (ii) Decision and Variation of the RSEO both dated 11 November 2019, (iii) Direction by the Tribunal dated 6 January 2021 (iii) Decision and Variation of the RSEO both dated 21 January 2021 and (iv) Decision dated 9 June 2021

#### **Background**

1. By application received between 27 December 2018 and 29 January 2019 (“the Application”), the then Tenants applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlord had failed to comply with the duty imposed on him by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”) in respect that the Property does not meet the Repairing Standard in respect of Sections 13 (1) (a), 13 (1) (b), 13(1) (c) and 13(1) (f) of the Act. Following an Inspection and Hearing on 29 March 2019 the Tribunal found that the Property did not meet the Repairing Standard and imposed the RSEO.
2. The Landlord did not comply with the RSEO. The Tribunal held a further Inspection on 19 July 2019 and a Hearing on 17 October 2019 and allowed the Landlord further time to comply, varying the RSEO accordingly.
3. Case Management Discussions (CMDs) took place between on 21 January 2021 and 9 June 2021 after which the Tribunal issued Directions and varied the RSEO further.
4. A CMD took place on 7 July 2021 before which the Landlord’s Representative lodged a new Domestic Electrical Installation Certificate which updates the EICR of 21/05/2019 and accompanying certificate dated 7/06/2019, and shows that the new kitchen installation meets the required standard, and a Survey Report, the terms of which satisfied the Tribunal that the Property now meets the Repairing Standard.

### **Summary of the Issues**

5. The issue to be determined by the Tribunal is whether or not to grant a Certificate of Completion in terms of Section 60 of the Act.

### **Decision of the Tribunal and Reasons for the Decision of the Tribunal**

6. The Tribunal firstly had regard to the Domestic Electrical Installation Certificate and a Survey Report as lodged before the CMD of 7 July 2021 and, being satisfied in terms of Section 60(5)(b) of the Act that the works required by the RSEO as varied have been completed, took the view that it could now be satisfied that the RSEO as varied had been complied with and so granted a Certificate of Completion.
7. The decision of the Tribunal is unanimous.

### **Appeal**

8. 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.

**K Moore**

Signed

Karen Moore, Chairperson

Date 7 July 2021