

Housing and Property Chamber

First-tier Tribunal for Scotland



STATEMENT OF DECISION of the First-tier tribunal for Scotland (Housing and Property Chamber) under the Housing (Scotland) Act 2006

Chamber Ref: Reference number: FTS/HPC/RP/19/3806

Property: 27 South Street, Dalkeith, Midlothian (“The property”)

Forming part of the property described in Disposition to John Gray Recorded in the General Register of Sasines for Midlothian on 1 May 1874

The Parties:-

Peter Henderson, residing at Flat1, 27 South Street, Dalkeith, Midlothian EH22 1AH (“the Tenant”)

and

Ms L Cortellessa, 3a Jordan Lane, Edinburgh EH10 4RB (“the Landlord”)

Tribunal Members

Paul Doyle Legal Member

Nick Allan Surveyor Member

Unanimous Decision of the Tribunal

The First-tier tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 20 February 2020 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property is discharged.

Background

1. On 20 February 2020 the First-tier Tribunal for Scotland (Housing and Property Chamber) issued a decision requiring the Landlord to comply with a repairing standard enforcement order made by the Committee on 20 February 2020.

2. The Repairing Standard Enforcement Order (“RSEO”) required the Landlord to

- (a) Repair and replace light fittings in the bathroom, kitchen and hall

(b) Carry out all remedial works to the electrical system and then instruct an Electrical Installation Condition Report (EICR) and Portable Appliance Test (PAT) on the entire electrical installation of the property and all electrical appliances and equipment supplied by the landlord to be carried out by a suitably qualified and registered SELECT or NICEIC electrical contractor. Carry out works to rectify any identified issues in these reports and provide the First-tier Tribunal for Scotland (HPC) with an unqualified report from a suitably qualified and registered SELECT or NICEIC electrical contractor confirming the works are completed.

(c) Remove and replace the hob and oven and then provide the First-tier Tribunal for Scotland (HPC) with a Gas Safety Record from a suitably qualified, and Gas Safe registered heating engineer on the safety of the gas central heating boiler and all other gas appliances in the property, &, if necessary, carry out any further repairs or replacement to ensure that all gas appliances are safe to use.

All within 6 weeks

and

(d) Ensure adequate provision of interconnected Smoke, heat and CO2 detectors within 7 days

3. Under normal circumstances, the Tribunal would arrange for an inspection of the property followed by a hearing, at which time evidence would be heard. Unfortunately, this has not been possible, due to the continuing effects of the COVID-19 pandemic.

4. A Case Management Discussion took place before the Tribunal by telephone conference at 10.00am on 4 March 2021.

5. By email dated 2 March 2020 the landlord produced confirmation that adequate interconnected Smoke, heat and CO2 detectors have been installed in the property.

6. By email dated 7 April 2020 the landlord produced evidence that the gas hob and oven have been replaced and the landlord produced an up-to-date Electrical Installation Condition Report (EICR) and Portable Appliance Test (PAT) on the entire electrical installation of the property and all electrical appliances and equipment supplied by the landlord.

7. Production of an up-to-date EICR implies that the necessary repairs to Repair and replace light fittings in the bathroom, kitchen and hall have been completed.

8. The landlord and her representative, Ms Ferguson, told the tribunal that all of the works required by the parties have been carried out.

9. By letter dated 9 March 2021 the tribunal asked the tenant whether the required works had been completed. In an email dated 11 March 2021 the tenant wrote, *inter alia*, that

...overall, the work has been completed.

10. Both parties agree that the work required by the RSEO have been completed.

11. The tribunal therefore decided to issue a certificate of completion of works in terms of s. 60 of the Housing (Scotland) Act 2006.

12. 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.

13. 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.

Signed **P Doyle**

18 March 2021

Legal Member