

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property: 9 Malcolm Street, Dundee DD4 6SF (“the Property”/ “the house”)

Title No: ANG5639

Chamber Reference: FTS/HPC/RT/19/1631

Miss Alexandra Gorgan, 9 Malcolm Street, Dundee DD4 6SF (“the Tenant”)

Miss Auntra Rahim, represented by Balgay Property & Investment Services, 8 Westport, Dundee DD1 5EP (“the Landlord”)

Dundee City Council, Private Sector Services Unit, 3 City Square, Dundee DD1 3BA (“Third Party Applicant”)

Tribunal Members – George Clark (Legal Member/Chairperson) and Nick Allan (Ordinary Member/Surveyor)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’), having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order made by the Tribunal on 16 August 2019, determined that all the work required by the Order has been carried out and that a Certificate under Section 60 of the Housing (Scotland) Act 2006, certifying the work has been completed, should be issued.

Background

1. By application, received by the Tribunal on 29 May 2019, the Third Party Applicant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”).

2. Following an Inspection and Hearing on The Tribunal on 16 August 2019, the Tribunal issued a Repairing Standard Enforcement Order in respect of the Property, requiring the Landlord:
 - (i) to carry out such repairs as are necessary to ensure the windows in the Property are wind and watertight, capable of being safely opened and closed and in a reasonable decorative condition, or to replace the windows;
 - (ii) to carry out such work as is necessary to reinstate the front door fanlight to proper working order;
 - (iii) to carry out such work as is necessary to ensure the bath seal is watertight;
 - (iv) to instruct a suitably qualified electrical contractor to carry out such works as are required to ensure the light switch in the kitchen is in safe and proper working order and that all smoke detectors in the Property are ceiling-mounted and to exhibit to the Tribunal a satisfactory current Electrical Installation Condition Report, dated after the date of completion of the foregoing work, containing no C1 or C2 items of disrepair, the Report to be issued by an electrical contractor who is registered either with NICEIC, SELECT or NAPIT; and
 - (v) to carry out such work as is necessary to ensure the security entry lock and door entry system to the Property are in proper working order.

3. The Ordinary Member/surveyor reinspected the Property on 16 December 2019 and again on 17 March 2020. A copy of his Report following the second reinspection and dated 26 March 2020 is attached to and forms part of this Statement of Decision. The Report contained a comment that the Tribunal had seen a PAT (Portable Appliance Test) assessment condemning the washing machine and fridge freezer.

4. A copy of the Reinspection Report of 17 March 2020 was sent to the Parties for comment. On 23 April 2020, the Landlord's representative advised the Tribunal that the fridge freezer and washing machine had been removed from the Property, and that, accordingly, the comment in the Report that they had been condemned in a PAT Report was no longer relevant.

Findings of fact

5. The Tribunal makes the following findings of fact:
 - New window units have been installed throughout in the Property and the surrounding woodwork finished off to a good standard.
 - The front door fanlight has been replaced. The repair is crude, but does not fail to meet the repairing standard.

- The bath and hand basin have been resealed and the new seals appear watertight.
- The light switch in the kitchen has been replaced and is operational. The smoke detector in the living room has been replaced with a ceiling-mounted unit and the detectors in the living room and hallway are interlinked. The Tribunal has seen an Electrical Installation Condition Report with a “Satisfactory” assessment.
- The secure entry lock and door entry system are now in proper working order.

Reasons for the decision

6. The Tribunal accepted the Landlord’s representative’s statement that the fridge freezer and washing machine have been removed and is satisfied that all the work required by the Order has been carried out.
7. The decision of the tribunal was unanimous.

Right of Appeal

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.

George Clark

Signed..... Legal Member/Chairperson
 Date: 6 June 2020