

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Statement of Decision: Housing (Scotland) Act 2006 Section 60**

**Chamber Ref: FTS/HPC/RT/20/1223**

**Flat 3/1 31 Causeyside Street, Paisley PA1 1UL (“the Property”)**

### **Parties:**

**Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1UL (“the Third Party”)**

**Zeshan Afsal, Flat 2/2 19 Argyle Street, Paisley, PA1 2ET (“the Landlord”)**

### **Tribunal Members:**

**Josephine Bonnar (Legal Member)**  
**Andrew McFarlane (Ordinary Member)**

### **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 (“RSEO”) relative to the property dated 29 July 2021, determined that the Landlord has complied with the order and that a certificate of completion to that effect should be issued.**

### **Background**

1. On 29 May 2020, the Third Party applied to the Tribunal in terms of Section 22 of the Housing (Scotland) Act 2006. The Third Party stated that the Landlord had failed to meet the repairing standard in relation to the property. In particular, the application stated that an EICR and Gas Safety Record had not been provided, the property did not have satisfactory provision for detecting fires, a suitably located CO detector had not been installed, the gas boiler was leaking, the ventilation unit in

kitchen was defective and the windows in the living room and bedroom were not wind and watertight. Documents, including photographs, were lodged in support of the application.

2. Under normal circumstances the Tribunal would have arranged for the Tribunal to carry out an inspection of the property to assist in the determination by the Tribunal of the application. Unfortunately, this was delayed due to the effects of the COVID 19 pandemic. In the circumstances, a case management discussion (“CMD”) was arranged, to discuss procedure in the case and to ascertain if an inspection was required or if other evidence was available or could be agreed.
3. The CMD took place by telephone conference call on 22 January 2021 at 10pm. The Third Party was represented by Mrs Gray. The Landlord did not participate and was not represented. Prior to the CMD the Third Party submitted written representations together with copies of emails, an EICR dated 27 July 2020 and a Gas Safety Record dated 26 July 2020. The Third Party advised the Tribunal that these had been sent by the Landlord on 7 January 2021. The Landlord did not contact the Tribunal or lodge written representations. Following the CMD, the Tribunal determined that the application should proceed to an inspection and hearing. In the meantime, the Tribunal determined that a direction should be issued for the Landlord to provide evidence that issues identified in the gas safety record have been addressed, that appropriate smoke, heat and CO detectors were in place and that the windows were in proper working order.
4. The Landlord lodged submissions and photographs in response to the direction. These comprised; - (i) Photographs and receipts for a CO detector, (ii) Photographs and receipts for an extractor fan, (iii) Photographs and copy of a five-year guarantee for a Vokera boiler, (iv) Photographs and receipts for smoke and heat detectors, and (v) Photographs and receipts in connection with a roof repair. The Landlord also advised that the roof repair had addressed a problem with water ingress at the windows and that the windows were otherwise in proper working order.
5. The Tribunal inspected the property on 7 July 2021 at 11.30am. The Landlord was present. The Third Party was represented by Ms McIntosh. The current tenant was also present. A hearing took place by telephone conference call on 14 July 2021. The Tribunal noted that some of the complaints had resolved. These included the failure to provide a gas safety record and EICR and the failure to provide a suitably located CO detector. The Tribunal also noted that the boiler and ventilation unit in the kitchen had been replaced. After the hearing the Tribunal issued a RSEO. In terms of the RSEO the Landlord was required; - (i) To instruct a suitably qualified window contractor to inspect the windows at the property and carry out any necessary repairs to ensure that the windows are in proper working order; or to replace the windows, and (ii) To take

appropriate action to ensure that the smoke and heat detectors installed at the property are interlinked and in full working order. The work was to be completed within 6 weeks of the date of service of the Notice.

6. The parties were notified that the Tribunal would re-inspect the property on 3 November 2021, at 10.30 am. Prior to the re-inspection the Landlord lodged written submissions stating that a contractor had repaired the windows and that the smoke and heat detectors had been replaced with new ones which were fully interlinked.
7. The Tribunal re-inspected the property on 3 November 2021. The representative of the Third Party was on annual leave and did not attend. The Landlord was present, as was the current tenant.

### **The Re-inspection**

8. The Tribunal noted that the windows in the living room and rear bedroom opened and closed properly and appeared to be in proper working order. They tested the smoke and heat detectors which appeared to be interlinked and in proper working order. A report on the re-inspection was issued to the parties. Neither party submitted any representations regarding the report.

### **Reasons for decision**

9. The Tribunal is satisfied that the windows in the living room and rear bedroom, which were previously defective, can now be fully opened and closed. The Tribunal also noted that there is a heat detector in the kitchen of the property and smoke detectors in the hall and living room. When tested, the smoke and heat detectors were found to be in working order and interlinked.

### **Decision**

10. The Tribunal determined that the Landlord has complied with the RSEO and that a certificate of completion to this effect should be issued.
11. The decision of the Tribunal is unanimous.

## **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.**

In terms of Section 63 of the Act, 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.

# J Bonnar

Josephine Bonnar, Legal Member

9 December 2021