

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)5th

Decision: Housing (Scotland) Act 2006 (“the 2006 Act”), Section 60

Chamber Ref: FTS/HPC/RP/21/0672

9A Hilltown Terrace, Dundee DD3 7BB (“the property”)

The Parties: -

Miss Elizabeth McDaid, 9A Hilltown Terrace, Dundee DD3 7BB (“the Applicant”) represented by Dundee Law Centre, 101 Whitfield Drive, Dundee DD4 0DX (“the Applicant’s representative”)

Glen Bruar Properties Limited, c/o Rent Locally Lindsay Court, Gemini Crescent, Dundee DD2 1SW (“the Respondent”) represented by Rent Locally, Lindsay Court, Gemini Crescent, Dundee DD2 1SW (“the Respondent’s agents”)

Tribunal Members:

Graham Harding (Chairman) and Lori Charles (Ordinary Member)

DECISION

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’), having taken account of the findings of the re-inspection on 1 February 2022 and the documents subsequently produced by the Respondent’s representative together with the reasons for the Decision of the Tribunal and the Repairing Standard Enforcement Order dated 11 November 2021 determined that the Landlord has complied with the said Repairing Standard Enforcement Order.
2. The Tribunal issued a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006.
3. The Decision of the Tribunal was unanimous.

Findings in Fact

The Respondent has:-

- (i) painted the front bedroom cupboard with a suitable block paint to remove all traces of mould.

- (ii) removed the silicone sealant in the rear facing bedroom and replaced with plaster and redecorated.
 - (iii) repaired the loose and missing plaster and filled any holes in the kitchen cupboard and kitchen.
 - (iv) replaced the corroded external cast iron soil vent pipe from the bathroom to the kitchen waste with a new soil vent pipe and replaced the defective drain and
 - (v) instructed a reputable firm of damp and timber specialists to inspect, investigate and to provide a report in relation to remedial works required to address any timber defects and damp issues affecting the bathroom, kitchen cupboard and the gable wall of the lounge and to exhibit said report to the Tribunal
4. The Landlord has ensured that the house is wind and watertight and in all other respects reasonably fit for human habitation.
5. The house meets the repairing standard as specified in Section 13 of the 2006 Act.

Reasons for Decision

6. Reference is made to the full terms of (i) the Decision of the Tribunal and (ii) the Repairing Standard Enforcement Order both dated 11 November 2021.
7. Following the re-inspection of the property on 1 February 2022 by the Tribunal it appeared that most of the works specified in the RSEO had been completed. However, the Tribunal requested that the Respondent provide the timber specialist report required in terms of the said Repairing Standard Enforcement Order. By email dated 2 March 2022 the Respondent's representatives submitted a timber specialist's report and a plumber's invoice in respect of further remedial works to the bathroom. In light of the documents submitted the Tribunal was satisfied that no further works were required and the Tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act on that basis.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

G Harding