

# 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 under section 26(1) of the Housing (Scotland) Act 2006 as amended (“the Act”)**

**Chamber Ref: FTS/HPC/RP/19/1472**

**Title no/Sasines Description: PH38511**

**Property at Flat 1/2, 137 Clepington Road, Dundee DD3 7PA (“The House”)**

**The Parties:-**

**Dundee City Council Private Sector Services Unit, Dundee City Council, 5 City Square, Dundee DD1 3BA (“the Third Party Applicant”)**

**Mr Abu Baker Meah, Flat 1/2, 137 Clepington Road, Dundee DD3 7PA**

**(“the Tenant”)**

**Mr Christian Hoyer Miller, Mr James Inchyra and Mrs Caroline Inchyra, Inchyra House, Glencarse, Perth PH2 7LU (“the Landlord”)**

**The Tribunal comprised:-**

**Ms Gabrielle Miller - Legal Member**

**Mr Robert Buchan - Ordinary Member (Surveyor)**

- 1. The First Tier Tribunal for Scotland (Housing & Property Chamber) (“the Tribunal”), having made such enquiries as was appropriate for determining whether the Landlord had complied with the Repairing Standard Enforcement Order (“RSEO”) in relation to the Property concerned and taking account of the subsequent re-inspection of the Property, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO**

## Statement of Reasons

2. Reference is made to the Determination of the Tribunal dated 25<sup>th</sup> November 2019 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and to the RSEO made by the Tribunal which required the Landlord to carry out works to ensure that the Property meets the repairing standard.
3. The Tribunal required the Landlord to carry out such work as is necessary for the purpose of ensuring that the Property concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of the Order is made good.
4. In particular, the Tribunal required the Landlord: -
  - a. To replace or repair and make good the window in the front bedroom of the Property to ensure that it is wind and watertight and in proper working order.
5. The said works were to be carried out and completed within a period of 1 month from the date of the service of the Order. The RSEO was then varied on 11<sup>th</sup> March 2020 to allow 1 further month for the completion of the work.
6. Due to the Coronavirus Pandemic, this case was not able to proceed due to the pandemic restrictions. A Case Management Discussion ("CMD") was set for 13<sup>th</sup> January 2021 to allow all parties to discuss the outstanding matter.
7. A CMD was held on 13<sup>th</sup> January 2021 at 10am by teleconferencing. Mr Stuart Cuthill of Dundee City Council represented the Third Party Applicant. The Landlord was not present. A CMD was held on 13<sup>th</sup> January 2021 at 10am by teleconferencing. Mr Stuart Cuthill of Dundee City Council represented the Third Party Applicant. The Landlord was not present. The Tribunal issued a Direction requiring the Landlord to produce documents evidencing the carrying out of repairs and the existence of certificates.
8. On 29<sup>th</sup> March 2021 the Landlord supplied paid invoices for work completed. On 12<sup>th</sup> April 2021 the Third Party commented on the invoices that they were satisfied that the work had been completed.

## Decision

9. The Tribunal considers the works specified in the RSEO have been substantially completed and have decided that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. The Tribunal members were unanimous in their decision.
- 10.

## **Rights of Appeal**

- 11. 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.**
  
- 12. 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.**

G Miller

Chairing Legal Member of the Tribunal  
Dated: 21<sup>st</sup> June 2021