

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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

Chamber Ref: FTS/HPC/RP/21/3063

Sasine Description: ALL and WHOLE part of the Lot of Ground with houses 22, 24, 26 and 28 India Lane and 31, 33 and 35 India Street, Montrose being the subjects more particularly described in the Disposition by Elizabeth Ferrier in favour of Elizabeth Orr Petrie recorded GRS for the County of Forfar 15 May 1974.

**33 India Street, Montrose, Angus DD10 8PQ
("The Property")**

The Parties:-

**Mr Rodger Dolan, 33 India Street, Montrose, Angus DD10 8PQ
("the Tenant")**

**Mrs Elizabeth Petrie Swankie, The Homestead, 10 Bents Road, Montrose,
Angus DD10 8QA
("the Landlord")**

Tribunal Members

Graham Harding (Legal Member)

Angus Anderson (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 17 August 2022, the documentation received from the Landlord, the evidence obtained at the hearing on 25 February 2022 together with the reasons for the Decision of the Tribunal and the Repairing Standard Enforcement Order served on the Landlord and dated 21 April 2022 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

- (i) The Landlord has carried out the internal works to the front bedroom as identified in the Schedule of Works contained within the report by Richardson and Starling dated 25th March 2022, as submitted to the Tribunal, to ensure the property is wind and watertight and in all other respects reasonably fit for human habitation.
 - (ii) The Landlord has redecorated as necessary.
4. The house meets the repairing standard as specified in Section 13 of the 2006 Act.

Reasons for Decision

5. Reference is made to the full terms of (i) the Decision of the Tribunal and (ii) the Repairing Standard Enforcement Order ("RSEO") both served on the Landlord and dated 12 November 2021.
6. Following the re-inspection of the property on 17 August 2022 by the Tribunal it appeared that all of the works specified in the RSEO had been completed. However, the Tribunal requested that the Landlord provide it with a copy of the Richardson and Starling final invoice and guarantee. By email dated 24 August 2022 the Landlord provided these.
7. The Tenant has submitted a number of emails to the Tribunal commenting on other remedial work carried out to the property by the Landlord and in particular submitted written representations dated 7 September 2022. These do not relate to the repairs carried out under the RSEO but to other complaints made in the application and not upheld by the Tribunal due to the remedial work undertaken by the Landlord at the property in advance of the hearing on 25 February 2022. The Tribunal is unable to consider these issues when determining if the Landlord has complied with the terms of the RSEO. If the Tenant believes that issues remain with the property or new issues have arisen then it would be open to him to make a fresh application to the Housing and Property Chamber if the Landlord does not remedy any legitimate complaints.
8. The Tribunal is satisfied that the work required in terms of the RSEO has been completed and that the property meets the repairing standard. 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.

Graham Harding
Legal Member and Chairperson

Date 22 September 2022