

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement relative to Certificate of Completion of Work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal')

Under section 60 of the Housing (Scotland) Act 2006

Case Reference Number: FTS/HPC/RT/19/2690

Re: Flat 1/01, 12 Lorne Street, Glasgow G51 1DP ("the house")

Land Register Title No: GLA116934

The Parties:-

Glasgow City Council - Private Housing DRS, c/o 2nd floor, 231 George Street, Glasgow G1 1RX ("the third-party applicant")

Mr Winston Moodie, residing at the house ("the former tenant") (non-participating party)

Mr Mohammed Nassim Naim, 36 Newark Drive, Glasgow G41 4PZ ("the landlord")

Tribunal Members – Sarah O'Neill (Chairperson); Lori Charles (Ordinary (Surveyor) Member)

Background

1. The tribunal issued a Repairing Standard Enforcement Order (RSEO) in relation to the house on 13 November 2019. The RSEO required the landlord to:
 1. Provide an up to date gas safety certificate in respect of the house by a Gas Safe registered engineer, showing that all gas installations and appliances have been checked and are working safely.
 2. Provide either:
 - a) a completed and signed checklist provided by the electrician who carried out the Electrical Installation Condition Report (EICR) dated 4 November

2019 certifying that he is competent to carry out an EICR, as required by Annex A (pages 12-13) of the [statutory guidance](#) issued by Scottish Ministers on electrical safety standards, together with the evidence of competence listed in the checklist to support this.

or

- b) an up to date Electrical Installation Condition Report in respect of the house by a suitably qualified and registered SELECT or NICEIC electrical contractor, or a member of NAPIT, showing that all electrical installations, fixtures and fittings and all appliances have been checked and are working safely.
3. Provide a Minor Electrical Installation Works Certificate by a suitably qualified electrical contractor which confirms that the necessary smoke and heat alarms had been properly installed in accordance with the statutory guidance. This certificate should include confirmation that the necessary works have been carried out to ensure that the heat alarm in the kitchen is interlinked to the other smoke alarms in the hall and the living room.

The tribunal ordered that the works specified in the order must be carried out and completed within the period of 6 weeks from the date of service of the RSEO.

4. The ordinary (surveyor) member of the tribunal carried out a re-inspection of the house on 10 February 2020. She found that:
 - 1) a Gas Safety Certificate had been produced. However, on checking the certificate, it appeared that the engineer may not be registered as a Gas Safe Engineer.
 - 2) a new Electrical Installation Condition Report (EICR) dated 10-02-20 was produced at the re-inspection. The new EICR had been completed by the same engineer as before, however the electrician was not registered with SELECT, NICEIC or a member of NAPIT. This being the case the electrical engineer was required to fill out and submit a signed and dated check list.
 - 3) all smoke alarms and heat detector within the flat were inter-linked and were tested during inspection. A new EICR was produced dated 10th February 2020, however no Minor Electrical Installation Works Certificate was provided to certify the works.
5. A copy of the re-inspection report was sent to the parties on 9 March 2020, asking them to send any written representations in response to the tribunal by 23 March 2020. No response was received from either party, and the tribunal

wrote again to both parties on 18 May 2020 asking them to send any response they wished to make by 8 June 2020. Again, no response was received from either party.

6. The tribunal issued a decision that the landlord had failed to comply with items 1, 2 and 3 of the RSEO on 29 June 2020.
7. On 30 September 2021, an email was received from the landlord, stating that the works contained in the RSEO had been completed. An EICR dated 3 September 2021 in respect of the house produced by a registered NICEIC contractor was attached.
8. On 19 October 2021, the tribunal issued a direction to the landlord requiring him to provide evidence that he had complied with items 1 and 3 of the RSEO. On 14 November 2021, an email was received from the landlord attaching a Minor Electrical Installation Works Certificate relating to the installation of the smoke alarms. This had been produced by the same NICEIC registered contractor who had provided the EICR and was dated 14 November 2021.
9. On 9 December 2021, a further email was received from the landlord, enclosing a satisfactory gas safety certificate dated 17 November 2021 provided by a registered Gas Safe Engineer.
10. On 16 December 2021, the tribunal administration wrote to the landlord on behalf of the tribunal, advising that the tribunal was satisfied with the gas safety certificate which had been provided, but that there were two outstanding issues which required to be addressed.
11. Firstly, the property address stated on both the EICR and the minor electrical installation works certificate was incorrectly stated as 1/1, 11 Lorne Street, Glasgow. Secondly, item 3 of the RSEO specified that the Minor Electrical Installation Works Certificate should include confirmation that: 1) the heat alarm in the kitchen had been properly installed in accordance with the statutory guidance and 2) the necessary works have been carried out to ensure that the heat alarm is linked to the smoke alarms in the hall and living room. There was no specific reference to the heat alarm in the Minor Electrical Installation Works Certificate.
12. On 11 January 2022, an email was received from the landlord, attaching an updated EICR and Minor Electrical Works Installation Certificate dated 9 January and 6 January 2022 respectively. These now both stated the correct address, and the Minor Electrical Works Installation Certificate had been amended to include the required information regarding the heat alarm.
13. The tribunal therefore determined on the basis of all the evidence before it that the works required by the RSEO have been completed satisfactorily, and that the

appropriate Certificate of Completion in terms of section 60 of the Act should be issued.

Rights 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.

S O'Neill

Date: 18 January 2022.

Sarah O'Neill, Chairperson