

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision to Certify that the work required by a Repairing Standard Enforcement Order has been completed: Housing (Scotland) Act 2006, Section 60

Chamber Ref: FTS/HPC/RP/19/2637

77 Neil Street, Greenock, PA16 9JE

Title Number REN53733
("The property")

The Parties:-

Nicola Glancy, residing at 77 Neil Street, Greenock, PA16 9JE
("the Tenant")

**Priya Properties Ltd, Mr Sukhdev Boparai, Mrs Harjinder Boparai, 1
Mansion Avenue, Port Glasgow, PA14 6QP**
("the Landlords")

Tribunal Members:

Adrian Stalker (Chairman) and Donald Wooley (Ordinary Member)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), decided to certify that the work required by the Repairing Standard Enforcement Order ("RSEO") of 11 November 2019, has been completed, with effect from the date of service of this decision, and the relative certificate under section 60.

Finding and reasons for decision

1. By an application to the Housing and Property Chamber 21 August 2019, the Tenant sought a determination as to whether the Landlords had failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. On 11 November 2019, the Tribunal made a decision, under the section 24 of the Act, that Landlords had failed to comply with the duty imposed by

section 14(1)(b) of the Act. It issued a Repairing Standard Enforcement Order (“RSEO”), requiring the Landlords to:

(a) repair or replace the kitchen and living room windows so as to make them wind and watertight, in a reasonable state of repair, and in proper working order, such that the property is in all respects reasonably fit for human habitation.

(b) produce to the office of the Tribunal an Electrical Installation Condition Report (“EICR”) completed by a suitably competent person, in accordance with paragraphs 10 to 20 of the Scottish Government Statutory Guidance On Electrical Installations And Appliances In Private Rented Property (“the Guidance”). In the event that the EICR identifies any items specifically categorised as C1 or C2 under “section K” in the report where any part of the electrical installation in the property is not in a reasonable state of repair and in proper working order, the Tribunal further requires the Landlord to carry out such work as is necessary to put that electrical installation in a satisfactory state of repair and in proper working order.

3. Following correspondence received from the parties, the Tribunal fixed a further inspection and hearing, to take place on 17 February 2020.
4. By email dated 22 January 2020, Mr Boparai, of the Landlords, sent the Tribunal an Electrical Installation Condition Report (“EICR”) issued by John Walker Electrical Contractor, who is SELECT registered, on 13 January 2020. The EICR was conform to the requirements of part (b) of the RSEO.
5. The Tribunal members inspected the property on the morning of 17 February 2020. Present at the inspection were the Tenant, and Mr Sukhdev Boparai, of the Landlords.
6. At the inspection, the Tribunal found the kitchen and living room windows to be wind and watertight, and in a reasonable state of repair, and in proper working order, such that the property is in all respects reasonably fit for human habitation. In particular, working handles had been fitted to both windows. Both windows were free of drafts. A schedule of photographs of the windows is attached to this decision.
7. Later that morning, the Tribunal held a hearing at the Gamble Halls, 44 Shore Road, Gourock. Neither party attended or as represented at the hearing.

Decision

8. The Tribunal therefore concluded that necessary remedial work envisaged by the RSEO has been completed, and there are no outstanding repairs.
9. Accordingly, the Tribunal decided to certify that the work required by the RSEO has been completed. The section 60 Certificate is referred to for its terms.
10. The decision of the Tribunal was unanimous.
11. In terms of section 63 of the Housing (Scotland) Act 2006, this decision, and the variation, have effect from the date on which it is served.
12. **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.**
13. 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.

A Stalker

Signed

Date

17/2/20.

Chairman