

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)

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

Chamber Ref: FTS/HPC/RP/21/1786

**37 William Street, East Wemyss, Kirkcaldy, KY1 4PG (Title number FFE79779)
 (“the Property”)**

The Parties:-

**Hurrikane Properties Limited, incorporated under the Companies Acts
(Registered Number SC655545), having its registered office at 14 City Quay,
Dundee, United Kingdom, DD1 3JA (“the Respondent”)**

**Dyer & Co, Unit S, Taywood Enterprise Park, Duchess Place, Rutherglen (“the
Respondent’s Representative”)**

Tribunal members

Ms. Susanne L. M. Tanner K.C., Legal Member and Chair

Mr. David Godfrey, Ordinary Member

DECISION

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”), having taken account of the supporting evidence produced by the Respondent and following reinspection of the Property, determined that the Respondent has complied with the Repairing Standard Enforcement Order dated 21 April 2022, albeit outwith the specified timescale, in terms of Section 26(1) of the Housing Scotland Act 2006 (hereinafter “the 2006 Act”).
2. The tribunal issued a Certificate of Completion in terms of Section 60 of the 2006 Act.

3. The decision of the tribunal was unanimous.

STATEMENT OF REASONS

1. The tribunal made a Repairing Standard Enforcement Order (RSEO) on 21 April 2022. In terms of the RSEO, the Respondent was required to ensure that the Property meets the repairing standard, in particular:

“1. To provide a copy of a current Electrical Installation Condition Report (EICR) for the Property carried out after the repair or replacement of the ceiling lights in the living room and bedroom (in or about 2021).

2. To provide a copy of the Portable Appliance Test (PAT) Certificate for the portable appliances provided by the Respondent in the Property.

3. To repair or replace the missing and damaged sections of fencing at the rear of the back garden of the Property to put it in a reasonable state of repair and in proper working order.”

2. The tribunal ordered that the works specified in the RSEO must be carried out and completed within 28 days from the date of service of the Notice.
3. A re-inspection of the Property took place on 27 July 2022. The Respondent, Hurrikane Properties Limited, was neither present nor represented. The original tenant, Mr Fraser Menzies, no longer resides in the property. Access to the property was provided by the new tenant, Miss Kirsty Shaw. A re-inspection report was produced following the inspection and sent to the parties. In particular, the tribunal noted that the fencing at the rear of the garden had been replaced.
4. The tribunal was notified of the details of the Respondent’s Representative and they were added to the case file.
5. Following the inspection, a Direction (number 5) was issued to the Respondent’s Representative and correspondence and documents were received from Sam Dyer of the Respondent’s Representative. In particular, Mr Dyer provided: (i) a copy of a new EICR Certificate dated 27 September 2022, following an inspection on 30 August 2022; and (ii) supporting evidence that the Property is let unfurnished and without any portable appliances, therefore no Portable Appliance Test certificate is required.

6. The tribunal is satisfied, having considered the evidence submitted on behalf of the Respondent and the re-inspection on 27 July 2022 that the works in the RSEO have been completed, albeit outwith the specified timescale.
7. The tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act.

Right of Appeal

- 8. A party 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.**
9. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Ms. Susanne L M Tanner, King's Counsel
Legal Member and Chairperson of the tribunal

Date 23 November 2022