

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision: Housing (Scotland) Act 2006 Section 60

Chamber Ref: FTS/HPC/RP/18/0837

Sasines Description: Doune Cottage 145 Findhorn, extending to 121 square yards 11/4 square feet, referred to in Feu Charter to Mary Smith and another recorded in the County of Elgin and Forres 20 September 1947 with 103 square yards 1 square foot referred to in Feu Disposition to John Thomson and another recorded in the County of Elgin and Forres 5 February 1976.

**145 Findhorn, Forres, Moray IV36 3YL
("The Property")**

The Parties:-

**Miss Orla Broderick, 145 Findhorn, Forres, Moray IV36 3YL
("the Tenant")**

**Miss Pamela Burnett, 1M Hagen 47, Kleinmachnow, 14532, Germany
(represented by her agent Cockburns, Solicitors, 82 High Street, Elgin IV30 1BL)
("the Landlord(s)")**

Tribunal Members

Graham Harding (Legal Member)

Colin Hepburn (Ordinary Member)

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having considered the documents and written representations submitted by the Landlord and being satisfied that the work required in terms of the Repairing Standard Enforcement Order ("RSEO") dated 27 September 2019 has been completed determined to issue a Certificate of completion.

Background

1. On 27 September 2018 the Tribunal made a RSEO in respect of the property in the following terms:
 - (a) to instruct a reputable plumbing and drainage engineer to inspect the waste water drains at the rear of the property and the waste pipes from the

bathroom and kitchen and to carry out such repairs and renewals as may be recommended by said plumbing and drainage engineer;

- (b) to instruct a report from a reputable firm of timber and damp specialists to report on any issues of damp or rot affecting the property and to carry out all recommendations in terms of said report;
- (c) to remove existing plaster and plasterboard from the walls and ceilings in the property, frame where necessary and install insulating material conforming to current building standards and replace with new plaster and or plasterboard and fill and tape and redecorate as necessary;
- (d) to remove all loose tiles from the bathroom and inspect the condition of the plaster and or plasterboard walls behind and repair or renew as necessary and replace or renew the tiles or replace with waterproof wall panels;
- (e) to instruct a HETAS registered engineer to inspect and service the wood burning stoves in the kitchen and living room of the property and carry out any necessary repairs;
- (f) to replace the existing carbon monoxide detectors in the living room and kitchen with new detectors;
- (g) to instruct a suitably qualified electrician to PAT test all electrical appliances supplied by the Landlord in the property and provide a report and to exhibit same to the Tribunal;
- (h) to instruct a suitably qualified electrician to provide an up-to-date Electrical Installation Condition Report and to exhibit same to the Tribunal;
- (i) to produce and exhibit to the Tribunal the current Gas Safety Certificate; and
- (j) to instruct a domestic energy assessor to produce an Energy Performance Certificate in respect of the property and to exhibit same to the Tribunal.

2. The Tribunal required that the work be completed within 90 days.
3. The Tribunal subsequently found by its decision dated 21 May 2019 that the Landlord had failed to comply with the terms of the RSEO.
4. A subsequent request by the Landlord for review of the Tribunal's decision was refused.
5. By email dated 14 July 2020 the Tribunal was advised that the Tenant had vacated the property.
6. By email dated 22 June 2021 the Landlord advised the Tribunal that the work at the property had been completed.

7. A re-inspection of the property was carried out by the Surveyor Member of the Tribunal accompanied by the Legal Member on 27 August 2021. A summary and schedule of photographs was sent to the Landlord together with a request for further information.
8. By email dated 21 October 2021 the Landlord provided a written response to the Tribunal's request together with further documentation. She confirmed that the property was no longer going to be rented out.
9. Having taken account of the work that has been carried out at the property and considered the documents produced as well as the fact that the Landlord is no longer intending to rent out the property, the Tribunal determined that it was appropriate in the circumstances to issue a Certificate of Compliance.

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.

G.Harding

Graffam Harding (Legal Member)

19 November 2021