

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of facts and reasons for

Decision to grant Certificate of completion of work

Under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: prhp/DD3/124/12

2/2, 31 St Nicholas Place, St Marys, Dundee DD3 9NF

Re: Property at 2/2, 31 St Nicholas Place, St Marys, Dundee, DD3 9NF being All and Whole the northmost house on the second floor of St Nicholas Place, Dundee referred to in the title to Iris May Mclean Skelly recorded in the General Register of Sasines on 12 May 1993 ("the Property")

The Parties:-

Linda Mitchell, formerly of 2/2, 31 St Nicholas Place, Dundee ("the former Tenant")

Ms I Skelly, 148 Kingsway, Dundee, DD3 8JR ("the former Landlord")

Statement of facts and reasons.

Background

1. The Private Rented Housing Panel issued a Repairing Standard Enforcement Order (RSEO) on 26 August 2016 in the under noted terms.

Obtain an up to date report by a suitably qualified electrician or heating engineer to show that the electric heaters and hot water system in the property are in a reasonable state of repair and in proper working order.

2. The Private Rented Housing Committee ordered that the works specified in the Order be carried out and completed within a period of 6 months from the date of service of the Order.
3. On 1st November 2013 the surveyor member of the Committee attended at the property for the purposes of ascertaining whether the said RSEO had been

complied with. No access was provided to the property and it could not be seen if any work had been carried out. The Landlord did not reply to the further inspection report sent to her by recorded delivery on the 14 November 2013. The Landlord had not provided a report from a suitably qualified electrician or heating engineer as per the terms of the order.

4. The Committee drew an adverse inference from the failure to provide the reports required, the failure to give access to the property and the failure to respond to the re-inspection report and issued a failure to comply decision and notified the local authority.
5. With effect from 1/12/2016 the Private Rented Housing Panel has been incorporated into the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal').
6. On 16 February 2018 the new owner of the house contacted the Tribunal advising that new gas central heating had been installed in the house and electrical works had been done to bring the house up to standard. A Gas Safety Certificate and an Electrical Conditional Installation Report were provided.
7. The Tribunal was satisfied on the basis of this evidence that that all works required by the RSEO had been satisfactorily carried out. Accordingly, the Tribunal decided to grant a Certificate of completion

A landlord, tenant or third party applicant 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.

In terms of Section 63 of the Act, 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.

J Lea

Legal Member

31/3/18