

**Housing and Property Chamber
First-tier Tribunal for Scotland**



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 60(5) Housing (Scotland) Act 2006

Reference number: FTS/HPC/RP/19/3323

Title no/Sasines Description: REN18616

**Re: 78 Douglihill Terrace, Port Glasgow, PA14 5DP
("the House")**

The Parties:

**Mr John Mulholland, c/o Fairlet Property Management, 6 Brougham Street,
Greenock, PA16 8AA
("the Landlord")**

**Mr Tariq Ahmed, Fairlet Property Management, 6 Brougham Street, Greenock,
PA16 8AA
("the Landlord's Representative")**

The Tribunal:

**Susan Christie (Chairing /Legal Member)
Nick Allan (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"), having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (RSEO) relative to the House dated 12 January 2020, determined that the Landlord has complied with the Order and that a Certificate of Completion to that effect should be issued.

Background

1. The Tribunal issued a Decision dated 12 January 2020 requiring the Landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the House.
2. The RSEO required the Landlord to:
 - (a) Repair or replace the bedroom window in the House so as to ensure it is wind and watertight and in all other respects reasonably fit for human habitation; such work to be carried out by a competent tradesperson,
 - (b) Secure the left-hand tap in the bathroom of the House to ensure it is in a reasonable state of repair and in proper working order and does not swivel out of position when being operated,
 - (c) Engage a NICEIC or SELECT approved and qualified electrician to link the smoke alarms and heat detector within the House so that they are interlinked and fully comply with the Scottish Government's Guidance on Satisfactory Fire Detection,
 - (d) On completion of all the above works, to restore all affected finishes and decoration.

The Tribunal ordered that the works specified in this Order must be carried out and completed within the period of 8 weeks from the date of service of this Notice.

3. Subsequently, a re-inspection was to be arranged.
4. A first, then second Direction was issued requiring the Landlord & Landlord's Representative to provide:
 - (1) Documentation to show what work or repairs have been carried out and/or completed, such as quotations, invoices, and receipts in respect of the bedroom window in the House, the left-hand tap in the bathroom of the House and the connection of the smoke alarms and heat detector within the House so that they are interlinked and fully comply with the Scottish Government's Guidance on Satisfactory Fire Detection,
 - (2) A current Electrical Installation Condition Report (EICR) for the House.
 - (3) An explanation as to why the First Direction has not been complied with.
5. Subsequently an EICR for the House dated 14 July 2019 was produced.

The Re-Inspection

6. On 4 August 2021, the Tribunal re-inspected the House.
7. In summary, all works in the Repairing Standard Enforcement Order appeared to have been attended to since the original inspection. However, the additional paperwork remained outstanding in the response to the Direction.
8. A copy of the Re-Inspection Report is attached to this Decision.
9. The Re-Inspection Report was intimated to the Parties with no adverse responses.

Further response to the Direction

10. Prior to the Hearing assigned for today, the additional paperwork that remained outstanding in the response to the Direction was sent into the Tribunal by the Landlord's Representative. That comprised of invoices for electrical works for the smoke alarms, repairs to the leaking hall radiator, and repairing the window mechanism.

The re-inspection Hearing- 3 November 2021

11. Neither Party participated in the Hearing today. The Tribunal was satisfied that intimation had been made on the Parties. It considered the paperwork in their absence along with the visual findings of the re-inspection. The Tribunal found that the works specified in the RSEO had been completed to the Tribunal's satisfaction since the original inspection. The Tribunal accordingly determined that the Landlord had complied with the RSEO and proceeded to issue a Certificate of Completion. The decision of the Tribunal is unanimous.

Findings in fact

- I. The works undertaken following upon the original RSEO have been completed to the Tribunal's satisfaction.
- II. Accordingly, the House now meets the repairing standard required under section 13 (1) (a), (c) and (f) of the Act.
- III. The Tribunal accordingly determined that the Landlord had complied with the RSEO and proceeded to issue a Certificate of Completion.

Right 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.

Signed **S Christie** _____

Susan Christie, Legal Member

Date 3 November 2021