

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

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

**Chamber Ref: FTS/HPC/RP/20/1458**

**Title no: Ayr46915**

**Miss Beverley Bailey, formerly residing at Flat 6 13 Ayr Street, Troon KA10 6EB (“The Tenant”)**

**Mr Ameer Ghauri c/o Waddell & Mackintosh, 71 Whiteacres Road, Glasgow (represented by Mellicks Incorporating Naftalin Duncan & Co., 160 Hope Street, Glasgow) (“The Landlord”)**

**Tribunal Members**

**Graham Harding (Legal Member)**

**Donald Wooley (Ordinary Member)**

### DECISION

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’), having taken account of the findings of the re-inspection on 7 June 2020 and the documentation received from the Landlord on 19 January and 1 March 2022, together with the Electrical Installation Condition Report prepared by Essjay Electrical Services dated 18 June 2022, the evidence obtained at the hearing on 19 January 2022 together with the reasons for the Decision of the Tribunal and the Repairing Standard Enforcement Order served on the Landlord and dated 2 February 2022 determined that the Landlord has complied with the said Repairing Standard Enforcement Order.
2. The Tribunal issued a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006.
3. The Decision of the Tribunal was unanimous.

### Findings in Fact

4. The Landlord has replaced the wall mounted heaters throughout the property including in the bathroom with new heaters that were operational and fully functional at the time of the reinspection.

5. The Landlord has provided an Electrical Installation Condition Report ("EICR") that confirms that there are no Category C1 or C2 defects and that the condition of the installation is satisfactory. Although it does not appear that the author of the report is registered with SELECT, NAPIT or NECEIC it is said that he is trained to BS7671:18 and further trained to work on systems up to and including 11kv 3Ph.
6. There are no outstanding repairs relative to the RSEO.
7. The house meets the repairing standard as specified in Section 13 of the 2006 Act.

#### Reasons for Decision

8. Reference is made to the full terms of (i) the Decision of the Tribunal and (ii) the Repairing Standard Enforcement Order ("RSEO") both served on the Landlord and dated 2 February 2022.
9. Following the re-inspections of the property on 7 June 2022 by the Ordinary Member and another Legal Member of the Tribunal it appeared that all of the works specified in the RSEO have been completed. The Tribunal was satisfied that the author of the EICR was qualified to issue the report. The Tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act on that basis.

**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

Graham Harding  
Legal Member and Chairperson

Date 5 July 2022