

Housing and Property Chamber First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: in terms of Section 60 of the Housing (Scotland) Act 2006 (“the Act”) in respect of an application under Section 22(1) of the Act

Chamber Ref: FTS/HPC/RP/21/0065

Re: Property at 95 Maree Drive, Condorrat, Cumbernauld, G67 4LW registered in the (“the Property”)

The Parties:

Salah Alkirwi and Linda Alkirwi trading as Earls Homes, 47 Main Street, Cumbernauld, G67 2RT (“the Landlord”) represented by Mr Salah Alkirwi, one of the registered proprietors of the Property

Tribunal Members:

Karen Moore (Chairman) and Kingsley Bruce (Ordinary Member)

Decision

The Tribunal determined that the Landlord has complied with the Repairing Standard Enforcement Order (RSEO) made by it on 6 July 2021 and varied on 29 November 2021 has been complied with and so discharge it.

Background

1. By application received on 8 January 2021 (“the Application”), the Tenant of the Property applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlord has failed to comply with the duty imposed on it by Section 14(1)(b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Sections 13(1)(a), 13(1) (b), 13(1) (c), 13(1) (d), 13(1) (f), 13(1) (g) and 13(1) (h) of the Act. The Application was referred to the Tribunal.

2. Following two Case Management Discussions (“CMDs”) and an Inspection and Hearing, the Tribunal determined that the Landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Act and imposed the following RSEO:-

“The Landlord must on or before 31 August 2021:-

- 1. With regard to the report on the Property dated 15 June 2021 prepared by by Curol Limited of 38 Avon Street, Larkhall ML9 1AT, carry out and complete all*

works recommended in that report to ensure that the dampness in the Property is eradicated and that the Property is made wind and watertight, is in a reasonable state of repair and meets the tolerable standard;

2. *Repair or replace the floor and flooring in both the main bedroom and the bathroom of the Property;*
3. *Repair or replace the defective plumbing in the bathroom of the Property;*
4. *Replace the decayed timber skirting in the main bedroom of the Property*
5. *Instruct a suitably qualified contractor to inspect and report on the condition of the windows throughout the Property, to submit the report to the Tribunal and the Tenant and to carry out all repairs noted in that report or, in the event that repair is required but is not possible, to replace all defective window units;*
6. *Submit to the Tribunal a copy of certification for the boiler installed in the Property and*
7. *Make good all décor damaged as a result of these works.”*

Final Re-Inspection

3. Tribunal re-inspected the Property on 27 April 2023 on in respect of the matters specified in the RSEO which remained outstanding. The Landlord was present. The Tribunal found that the works required by the RSEO had been complied with in full.

Decision and Reasons for Decision

4. The Tribunal, having found at the Final Inspection that the works required by the RSEO had been carried out and so was satisfied in terms of Section 60(5)(b) that the RSEO had been complied with and so granted a Certificate of Completion.
5. The decision is unanimous.

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
Karen Moore, Chairperson

15 May 2023