

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Determination: Statement relative to Certificate of Completion of work issued under Section 60 of the Housing (Scotland) Act 2006 (the 2006 Act).

Chamber Ref: **FTS/HPC/RT/20/0494**

4 Knowe Cottages, Kirkconel, Sanquhar, DG4 6NN registered in the Land Register of Scotland under Title Number DMF22527 (“the property”)

The Parties:-

Dumfries and Galloway Council, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD (“the Third Party Applicant”)

James Donnelly, 4 Knowe Cottages, Kirkconel, Sanquhar, DG4 6NN (“the Tenant”)

Inkersall Investments Ltd Challenge House, 46 Nottingham Road, Mansfield, Nottinghamshire, NG18 1BL (“the Respondent” and “the Landlord”)

Tribunal Members:

Martin McAllister (Chairman) and Lorraine Charles (Ordinary Member)

Background:

1. On 30th August 2021 the First-tier tribunal for Scotland (Housing and Property Chamber) made a repairing standard enforcement order (RSEO) in respect of the property.
2. The RSEO was in the following terms:
3. **The Landlord is to carry out works to the septic tank serving the Property (installation of a dip pipe) detailed in the report of SOS Drains Ltd dated 24th August 2021 and is required to supply adequate evidence to the Tribunal that the works have been completed;**

(Section 13 (1) (c) of the 2006 Act)

The Landlord was required to comply with the repairing standard order by 31st October 2021.

4. On 10th September the Landlord informed the Tribunal office that the work required by the RSEO had been completed. It sent photographic evidence showing the installation of the dip pipe and also sent a copy of an invoice from S.O.S. Drains Ltd dated 31st August 2021 which was partly in respect of work described *“Returned and installed tee piece on inlet pipe as discussed in report...photograph sent of installed tee piece.”*

5. The tribunal considered matters, determined that it was satisfied that the work had been completed and that it was appropriate to issue a Certificate of Completion in terms of Section 60 of the 2006 Act.

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.

M. McAllister

Martin J. McAllister, Solicitor,
Legal Member

7th October 2021