

# Housing and Property Chamber First-tier Tribunal for Scotland

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

**Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)**

**Chamber Ref: PRHP/RT/16/0221**

**Title No: GLA213840**

**Flat 1/2, 431 Victoria Road, Glasgow, G42 8RW  
("the property")**

**The Parties:-**

**Mr Gabriel Ostachi ("the former Tenant")**

**Mr. John Dundas, Glasgow City Council, DRS Housing and Regeneration Services, 3<sup>rd</sup> Floor, Samaritan House, 79 Coplaw Street, Govanhill, Glasgow, G42 7JG ("the Third Party")**

**Mrs. Farzana Ali, 18 Larch Road, Glasgow, G41 5DA ("the Landlord")**

**The 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 had complied with the Repairing Standard Enforcement Order dated 9 August 2016 in respect of the property, and taking account of the written information provided by the Landlord determined that the Landlord has complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

**The tribunal consisted of:-**

<b>Patricia Anne Pryce</b>	-	<b>Chair and Legal Member</b>
<b>Kingsley Bruce</b>	-	<b>Ordinary Member (Surveyor)</b>

## Background

1. On 9 August 2016, the Private Rented Housing Committee (“the Committee”) issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”). On the same date, the Committee issued a Repairing Standard Enforcement Order (“RSEO”) in respect of the property.
2. The RSEO made by the Committee required the Landlord:
  - (a) To repair or replace the windows to the front of the property to ensure that the property is wind and watertight and to ensure that the windows are in proper working order.
  - (b) To repair or replace the gas boiler and to produce a report by a suitably qualified Gas Safe registered engineer to address the state of repair and working order of all gas appliances within the property, including the gas boiler, and to carry out all works identified as required within the said report and, once all of the said necessary works have been carried out, to produce a further report by a suitably qualified and registered Gas Safe engineer confirming that said works have been carried out.
  - (c) To produce a Gas Safety Certificate in respect of the property.
  - (d) To produce an Energy Performance Certificate in respect of the property.
  - (e) To repair or replace the washing machine and to produce a Portable Appliance Test (PAT) on all portable electrical appliances and equipment supplied by the Landlord and located within the property and to repair or replace any appliance supplied by the landlord and identified by the PAT as defective.
  - (f) To obtain an Electrical Installation Condition Report (EICR) by a suitably qualified electrician and to carry out all works identified as recommended or required within the said report and, once all of the said necessary works have been carried out, to produce a further report by a suitably qualified and registered electrician confirming that said works have been carried out.
  - (g) To install a heat detector in an appropriate location within the kitchen.
  - (h) To install sufficient smoke detection devices within the property as required by current regulations and to ensure that all smoke detection devices are hard wired and interlinked.
  - (a) To provide compliant and appropriately positioned carbon monoxide detector within the property which CO detector should be powered by a battery designed to operate for the working life of the detector which is usually between five and seven years. The detector should incorporate a warning device to alert the users when its working life is due to expire and should be replaced on or before the expiry date. A hard wired mains operated CO detector with fixed wiring (not plug in types) may be used as an alternative, provided they are fitted with a sensor failure warning device.

3. The Committee ordered that the works specified in the RSEO were to be carried out within 21 days from the date of service of the RSEO, that is, by 8 September 2016. The former tenant intimated that he had left the property.
4. The jurisdiction of the PRHP was assumed by the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") on 1 December 2016.
5. After further sundry procedure, the tribunal issued a failure to comply decision dated 18 March 2017. Thereafter, the tribunal issued a refusal to appeal decision when the Landlord sought leave to appeal.
6. After further sundry procedure, a further inspection of the property was carried out by the Ordinary Member (Surveyor) of the tribunal. His re-inspection report dated 19 November 2017 is attached to this decision. It noted that all of the works in terms of the RSEO had been completed. The Landlord provided the tribunal with all of the documentation required in terms of the RSEO.
8. Given all of the circumstances, the tribunal found that all of the works in the RSEO had taken place.
9. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

## **Decision**

The decision of the Committee was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

**In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.**

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.

P Pryce

Chair and Legal Member

29 January 2018

Date