

# **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**

**Chamber Ref: PRHP/RP/18/0313**

**Title No: DMB6027**

**80 Glenacre Road, Cumbernauld, G67 2PE  
("the House")**

**The Parties:-**

**Ms Donna Reid, residing at the property  
("the Tenant") (represented by Mr Iain Hunter of Shelter Scotland, 116 Osborne  
Street, Glasgow, G1 5QH)**

**Mr Colin Lang, 38g Townhead, Kirkintilloch, Glasgow, G66 1NL  
("the Landlord")**

### **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 23 October 2017 in respect of the property, and taking account of the written information provided by the Landlord, unanimously determined that the works required by the Repairing Standard Enforcement Order ("RSEO") had not been completed and refused to issue a Certificate of Completion of Work at this time.

**The tribunal consisted of:-**

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

## Background

1. On 23 October 2017, the tribunal 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 tribunal issued a Repairing Standard Enforcement Order (“RSEO”) in respect of the property.
2. The RSEO made by the tribunal required the Landlord:
  - (a) To replace the front door to ensure that it is wind and watertight and in all other respects reasonably fit for human habitation.
  - (b) To replace the blind in the main bedroom with another blind which does not interfere with the operation of the windows so that it is in a reasonable state of repair and in proper working order.
  - (c) To install a heating system within the house which is adequate for the size of the house to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.
  - (d) To repair the locking mechanisms in the windows located in the kitchen utility room, the main bedroom and the bathroom to ensure that the windows are in a reasonable state of repair and in proper working order.
  - (e) To repair or replace the window located in the kitchen utility room to ensure that it is in a reasonable state of repair and in proper working order.
  - (f) To repair or replace the hot water system to ensure that it is in a reasonable state of repair and in proper working order and to produce to the Tribunal a report from a SELECT or NICEIC registered electrician confirming that this has been carried out and that the hot water system produces a sufficient and adequate hot water supply to the kitchen sink and to the bath.
  - (g) To replace the floor coverings located in the kitchen and the hallway to ensure that they are capable of being used safely for the purpose for which they were designed.
3. The tribunal ordered that the works specified in the RSEO were to be carried out within 8 weeks from the date of service of the RSEO, that is, by 27 December 2017.
4. After further sundry procedure, the tribunal issued a failure to comply decision and a rent relief order, both dated 5 March 2018. The Tenant’s representative intimated that she had left the property on 2 April 2018.
6. A further inspection of the property was carried out by the Ordinary Member (Surveyor) of the tribunal at the request of the Landlord. Her re-inspection report dated 27 July 2018 is attached to this decision. It noted that some of the works in terms of the RSEO remained outstanding, namely, that the bathroom window was unable to lock with a key, the utility window was unable to lock with a key and the water temperature and pressure in the kitchen and bathroom were cold and poor respectively. The Landlord was sent a copy of this re-inspection report but made no response to same.

8. Given all of the circumstances, the Tribunal was satisfied having regard to the findings of the re-inspection, substantive works required by the RSEO remain outstanding. Accordingly, the Tribunal determined not to issue a certificate of completion at this time.

9. Accordingly, the tribunal resolved that the RSEO had not been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would not be issued at this time.

## **Decision**

**The unanimous decision of the tribunal was to refuse to grant a Certificate of Completion.**

**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  
Date: 23 August 2018