

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Completion under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/18/2455

Flat 3/1, 28 Dixon Avenue, Glasgow G42 8EE, Title Number GLA21674
(“The property”)

The Parties:-

Emma Elliott-Walker, Flat 3/1, 28 Dixon Avenue, Glasgow G42 8EE
(“the Tenant”)

Nazim Bashir, c/o RiteHome Property Management, 350 Glasgow Harbour Terraces, Glasgow G11 6EG
(“the Landlord”)

Tribunal Members:

Ruth O’Hare (Legal Member)

Debbie Scott (Ordinary Member)

The First-tier tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) certifies that the work required by the **Repairing Standard Enforcement Order** relative to the house made on 24 January 2019 has been completed insofar as reasonably possible. Accordingly the said **Repairing Standard Enforcement Order** relative to the property has been discharged.

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.

R O'Hare

Signed

Date 2 February 2022

Chairperson

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision under sections 27(4) and 60 of the Housing (Scotland) Act 2006 (“the 2006 Act”)

Chamber Ref: FTS/HPC/RP/18/2455

Property at Flat 3/1, 28 Dixon Avenue, Glasgow, G42 8EE
 (“The House”)

The Parties:-

Emma Elliott-Walker, Flat 3/1, 28 Dixon Avenue, Glasgow, G42 8EE (“the former Tenant)

Nazim Bashir, c/o RiteHome Property Management, 350 Glasgow Harbour Terraces, Glasgow (“the Landlord”)

The Tribunal comprised:-

Mrs Ruth O’Hare - Legal Member
Mrs Debbie Scott - Ordinary Member

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) unanimously determined that the Landlord had complied with the Repairing Standard Enforcement Order (“RSEO”) dated 24 January 2019 and accordingly issued a completion certificate.

Background

2. Reference is made to the previous decisions of the Tribunal in this case and to the RSEO made on 24 January 2019 and subsequent variations. In terms of the RSEO, the Tribunal required:-
 - 2.1 The Landlord, either himself or with other owners of the properties at 28 Dixon Avenue Glasgow, or with any property factor instructed by the owners:
 - i. to instruct a reputable contractor, specialising in roofing, roof repairs and the repair and maintenance of guttering, to carry out an inspection to ascertain the cause of water ingress and damage to the ceiling and walls above the bay window within the living room, and water ingress at the window within the adjacent bedroom;

- ii. to instruct said contractor to prepare a report identifying the cause of the said water ingress, and the nature and type of works necessary to make the property wind and water tight, and to put the roof, drains, pointing and gutters in a reasonable state of repair and proper working order;
 - iii. to submit a copy of said report to the Tribunal;
 - iv. to instruct said contractor to carry out the works identified in the report;
 - v. to instruct said contractor to provide confirmation in writing that that said works have been carried out;
 - vi. and to submit a copy of said written confirmation to the Tribunal.
- 2.2 The Landlord to make good any part of the ceiling, walls, windows, window sills and window frames of the living room and adjacent bedroom, which have been subject to water damage.
- 2.3 The Landlord to instruct a suitably qualified electrical contractor to install a heat alarm in the kitchen.
3. The extended period allowed by the Tribunal for completion of the works expired on 15 July 2021.
4. On 26 November 2021 the Tribunal carried out a re-inspection of the property, following written representations from the Landlord advising that the necessary works had now been completed. Damp readings were found to be normal, with no evidence of water ingress. It was noted that areas of water damage had been made good insofar as possible, and a heat alarm had been installed in the kitchen.

Reasons for Decision

5. The Tribunal took into account the findings of the re-inspection and the written representations from the Landlord regarding the matter. The Tribunal was satisfied that it had sufficient information to make a determination of the application and it did not require to hold a further hearing.
6. The Tribunal was satisfied having regard to the findings of the various re-inspections that the works required by the RSEO had now been completed. Accordingly the Tribunal determined to issue a completion certificate.
7. The decision of the Tribunal was unanimous.

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.

R O'Hare

Signed

Ruth O'Hare
Legal Member

2 February 2022