

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of completion of work: Housing (Scotland) Act 2006 Section 60

Tribunal Ref: FTS/HPC/RP/19/1799

RE: All and Whole the dwelling house known as 60 Halfield Gardens, Kennoway, Fife KY8 5HL registered in the Land Register under title no FFE73012 (hereinafter referred to as “the House”)

The Parties:

Sky Mann, 60 Halfield Gardens, Kennoway, Fife KY8 5HL (hereinafter referred to as “the Tenant”)

Elaine Margaret Parker, c/o Fife Properties, 22 North Street, Glenrothes, Fife KY7 5NA (hereinafter referred to as “the Landlord”)

Tribunal Members:

John McHugh (Chairman) and Greig Adams (Ordinary (Surveyor) Member).

The First-tier tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property dated 20 September 2019 as varied has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

In witness whereof these presents type are executed by John Miller McHugh, solicitor, 65 Haymarket Terrace, Edinburgh, Chairing Member of the Tribunal at Edinburgh on 18 January 2021 before this witness:-

A Power _____ witness **J McHugh** _____ Chairing Member

Alicia Power name in full

65 Haymarket Terrace Address

Edinburgh

EH12 5HD

Housing and Property Chamber First-tier Tribunal for Scotland



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

**STATEMENT OF DECISION: Housing (Scotland) Act 2006 Sections 25(1)
and 60**

60 Halfield Gardens, Kennoway, Fife KY8 5HL ("the House")

Chamber Ref: FTS/HPC/RP/19/1799

The Parties:

**Sky Mann, 60 Halfield Gardens, Kennoway, Fife KY8 5HL (hereinafter
referred to as "the Tenant")**

**Elaine Margaret Parker, c/o Fife Properties, 22 North Street, Glenrothes,
Fife KY7 5NA (hereinafter referred to as "the Landlord")**

Tribunal Members

John McHugh, Chairperson

Greig Adams, Ordinary (Surveyor) Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the work required by the Repairing Standard Enforcement Order dated 20 September 2019 as varied ("the RSEO") had been completed and resolved to issue a Certificate of Completion of Work.

The decision of the Tribunal Members was unanimous.

Background

The RSEO required the Landlord to complete the following work within 42 days of service of the RSEO:

1 To obtain and provide to the Tribunal a report from an independent qualified electrician that the electrical installations are in safe and working order, such report to comment in particular upon the reported tripping of the RCD when the electric hob or kitchen sockets are used.

2 To obtain and provide to the Tribunal a report from an independent Gas Safe registered plumber confirming that the central heating system is in good working order, such report to comment in particular on the reported issue of the boiler regularly losing pressure.

3 To obtain and provide to the Tribunal a report from a suitably qualified independent plumber that the drainage arrangements for the House are satisfactory and that waste water pipes are running freely.

4 to repair the damaged flooring in the front facing bedroom so that the floor is reasonably even.

5 To secure all loose bricks and coping stones in the rear garden ornamental walls.

6 To erect a fence across the width of the garden at the foot of the garden, such fence to be reasonably capable of preventing children or dogs from passing through it.

7 To carry out repairs so that all missing spars in the front garden fence are replaced.

Reasons for the Decision

The time period for completing the works was extended until 30 June 2019 by the Tribunal's Decision of 11 May 2020.

COVID 19 restrictions mean that it is currently not possible to conduct a physical inspection of the House. The Landlord was therefore invited by the Tribunal to provide documentary evidence of completion of the outstanding works. The Landlord has provided a comprehensive set of documents which indicate that an extensive refurbishment of the House has taken place. This has been supported by relevant photographic evidence.

The Tribunal is satisfied by this evidence that the works required by the RSEO have been completed and decides accordingly.

Right of 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 **J McHugh**

John McHugh

Date14 January 2021.....

Chairperson