

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



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

**Certificate of Completion of Work under Section 60 of the Housing (Scotland) Act 2006
as amended ("the Act")**

Chamber Ref: FTS/HPC/RP/19/4033

**Property at 118 Arnage Drive, Aberdeen, AB16 6UR
Land Register Title No. ABN37867
("The Property")**

The Parties:-

**Miss Bridget Fitzpatrick & Mr Amon Rukavina, 118 Arnage Drive, Aberdeen, AB16 6UR
("the Tenants")**

**Mr Lukasz Jaskowiak, 118 Arnage Drive, Aberdeen, AB16 6UR
("the Landlord")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the Tribunal) hereby certifies that the work required by the **Repairing Standard Enforcement Order ("RSEO")** relative to the Property dated 17 March 2020 has been completed. Accordingly, the said RSEO relative to the Property has been discharged.

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.

In terms of Section 63 of the Act, 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.

In Witness Whereof these presents type written on this and the preceding page are executed by Gillian Coutts Buchanan, Legal Member of the Tribunal, at Dundee on 28 April 2021 in the presence of the undernoted witness:-

J Scott

____Witness

G Buchanan

____Legal member

5 ASQUITH SCOTT C/O Witness name

FIRST TIER TRIBUNAL FOR Witness Address

SCOTLAND

GLASGOW TRIBUNALS CENTRE

20 YORK STREET

GLASGOW, G2 8GT



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

DETERMINATION by the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/19/4033

**Property at 118 Arnage Drive, Aberdeen, AB16 6UR
Land Register Title No. ABN37867
("The Property")**

The Parties:-

**Miss Bridget Fitzpatrick & Mr Amon Rukavina, 118 Arnage Drive, Aberdeen, AB16 6UR
("the Former Tenants")**

**Mr Lukasz Jaskowiak, 118 Arnage Drive, Aberdeen, AB16 6UR
("the Landlord")
(Represented by Miss Sharon Love, 118 Arnage Drive, Aberdeen, AB16 6UR)**

Tribunal Members: Gillian Buchanan (Legal Member & Chairperson) and Angus Anderson (Ordinary Member)

Background

1. Reference is made to the determination of the tribunal dated 17 March 2020 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") in that he had failed to ensure that the Property met the repairing standard. The works required by the Repairing Standard Enforcement Order ("RSEO") issued by the tribunal on the same date are: -
 - (a) To deliver to the tribunal, for approval, a specialist report from a suitably qualified surveyor which (i) addresses the location and construction detail of the garage of the Property, (ii) comments on whether the garage is wind and watertight and in a reasonable state of repair and proper working order and, (iii) if not wind and watertight and not in a reasonable state of repair and not in proper working order, narrates the works required to put it into that state.
 - (b) Once a satisfactory report conforming to the terms of paragraph (a) above has been approved by the tribunal, to carry out such work as is recommended in terms of the report provided the tribunal first confirms its approval of the works specified.
2. The tribunal ordered that the works specified in paragraph (a) of the RSEO must be carried out and the specialist report referred to therein delivered to the tribunal within a period of 4 weeks from the date of service of the RSEO.
3. By Notice to Vary dated 6 May 2020 the tribunal allowed the period for completion of the work required by the RSEO to be extended by a period 12 weeks from that date.

4. Under normal circumstances, the tribunal would arrange for the Ordinary Member to carry out a re-inspection to assist in the decision by the tribunal on compliance by a Landlord with an RSEO over the Property.
5. Unfortunately, this has not been possible, due to the continuing effects of the COVID-19 pandemic. In the circumstances, a Case Management Discussion (CMD) took place on 14 January 2021.
6. At the CMD the tribunal determined that the period previously allowed for compliance by the Landlord with the RSEO should be extended by a period of 8 weeks from that date. Accordingly the tribunal issued a Notice to Vary the RSEO in terms of Section 25(1)(a) of the Housing (Scotland) Act 2006.
7. By email dated 12 March 2021, the Landlord produced to the tribunal a specialist report of AG Bean, Chartered Building Surveyors, 1 Chattan Place, Aberdeen, AB10 6RB ("the Report"). The author of the Report, Mr Alastair G Bean (FRICS), is suitably qualified surveyor.
8. The Report was prepared by Mr Bean following a visit to the Property on 17 February 2021 after several days of poor weather including persistent rain and snow. In his Report Mr Bean stated that the garage was found to be "*in a reasonable state of repair reflecting its age and lightweight construction*". He found no evidence of water ingress within the garage and stated it to be in a "*wind and watertight condition*".
9. On 28 April 2021 a hearing took place before the tribunal by telephone conference. The Landlord participated in that hearing.
10. The Landlord stated that he continued to own and reside in the Property. He stated that he had suffered no water ingress into the garage since he moved into the Property some time previously

Determination

11. The Tribunal, having seen and reviewed the Report, and in light of the garage being found to be wind and watertight and in a reasonable state of repair such that no remedial works are required, determined to issue a Certificate of Completion in respect of the Property.
12. The members of the tribunal both agreed this outcome.

Appeal

13. In terms of Section 46 of the Tribunal (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.

G Buchanan

Signed 

Legal Member

Date 28 April 2021