

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

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

**Chamber Ref: PRHP/ML11/71/11**

**Title No: LAN198639**

**1 Porteous Place, Forth, South Lanarkshire, ML11 8GA  
("the property")**

**The Parties:-**

**Mrs Nancy Boyle, formerly residing at the property  
("the Tenant")**

**Mr David MacFarlane, residing at 17 Marlborough Heights, Belfast, BT6 9QR  
("the Landlord")**

### **The Decision**

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 served on 19 August 2011 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

**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."

In witness whereof these presents type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 1 Atlantic Quay, Glasgow, chairperson of the tribunal at Glasgow on 2 October 2017 before this witness:-

N Pryce

witness

N Pryce

name in full

55 DLYTHASWOOD ST,

Address

GLASGOW

P A Pryce

Chair and Legal Member

# **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/ML11/71/11**

**Title No: LAN198639**

**1 Porteous Place, Forth, South Lanarkshire, ML11 8GA  
("the property")**

**The Parties:-**

**Mrs Nancy Boyle, formerly residing at the property  
("the Tenant")**

**Mr David MacFarlane, residing at 17 Marlborough Heights, Belfast, BT6 9QR  
("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 12 August 2011 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>Carol Jones</b>	<b>- Ordinary Member (Surveyor)</b>

## Background

1. On 19 August 2011, 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 to carry out the following repairs listed below to ensure that these items were in a reasonable state of repair and in proper working order and in relation to matters 13 and 14 listed below to ensure that the property is wind and watertight and reasonably fit for human habitation:-

### Kitchen

1. Window does not close and is jammed;
2. Floor tiles are cracked;
3. Handles on cupboard doors are broken;
4. Dishwasher does not work;
5. Plug sockets are blocked and fuses a lot;
6. Extractor fan missing the outside cover;

### Sitting room

7. Vertical blinds are broken;
8. Some sockets do not work;
9. Carpet leading to kitchen has shrunk;

### Downstairs Toilet

10. Sink leaks;
11. Toilet does not flush properly;
12. Toilet lid is broken;
13. Bad smell of damp;
14. Damp stain on roof;

### Hall & Stairs

15. Front door does not open;
16. Walls and roof need repaired after leak in upstairs bathroom;

### Small back bedroom

17. Carpet is ripped;

### Back bedroom

18. Radiator thermostat broken;
19. Wardrobe door does not close;

### Front bedroom

20. Vertical blind is broken;
21. Radiator thermostat is broken;

### Bathroom

22. Hot tap on bath broken;
23. Light does not work;
24. Flush button jams.

3. The Committee ordered that the works specified in the RSEO were to be carried out within 6 weeks from 19 August 2011, that is, by 30 September 2011.

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. The Surveyor Member carried out a re-inspection on 12 October 2011 and noted that some of the works required by the RSEO had been carried out but that several works remained outstanding. A copy of the Ordinary Member's report of that date was sent to the Landlord. The Committee then served on the Landlord a Notice of Direction dated 28 November 2011 which ordered the Landlord to lodge with the PRHP an up to date and satisfactory Periodic Inspection Report ("PIR") regarding the electricity supply in the property and a Portable Appliance Test Certificate ("PAT") regarding the dishwasher. No response was received from the Landlord in relation to the Direction.

Thereafter, the Landlord did not make contact with the tribunal until on or about February 2017 when he requested the tribunal to consider removing the RSEO if the property were sold as he wished to sell the property and that the property had remained vacant since the granting of the RSEO and that, further, the property had fallen into disrepair. The tribunal considered this request but refused it as the RSEO had been outstanding for some six years. The tribunal reminded the Landlord that failure to comply with an RSEO could constitute a criminal offence.

6. On 16 June 2017, the Landlord requested a re-inspection of the property as he advised that the works in terms of the RSEO were now complete. A date was set for a re-inspection on 3 July 2017 but this was postponed by the Landlord who said he required more time to finish all the works. The Ordinary Member re-inspected the property on 7 August 2017 and a copy of her report is attached to this decision. Some of the works remained outstanding as noted in the said report.

7. The Landlord subsequently provided to the tribunal an EICR and proof that the outstanding matters referred to in the latest re-inspection report had been completed. However, the Landlord did not provide proof of a PAT in relation to the dishwasher but instead provided photographic proof to the tribunal that he had removed the dishwasher from the property. The tribunal accepted this proof and no longer required the Landlord to comply with that part of the Direction relating to the dishwasher.

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.**

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**P A Pryce**

Chair and Legal Member

2 October 2017

Date