

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 Section 60 (5)

Chamber Ref: PRHP/RT/16/0276 and PRHP/RT/16/0277

Title no: DMF14615

**34 Makbrar Road, Calside, Dumfries, DG1 4BA
("The Property")**

The Parties:-

**Mr. Robert Rome, Strategic Housing Services, Dumfries and Galloway Council,
Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD ("the Third Party")**

**Miss Sarah Kerr, formerly residing at the property
("the former Tenant")**

**Mr. Ian Forth, Fox Hollies, Elmfield, Brampton, CA8 1TF and Mrs. Christine
Lloyd, Oakbank, Carrutherstown, Dumfries, DG1 4LQ ("the Landlords")**

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 Landlords had complied with the Repairing Standard Enforcement Order dated 19 November 2016 in respect of the property, and taking account of the written information provided by both the Landlords and the Third Party, determined that the Landlords have 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:-

Patricia Anne Pryce	-	Chairing Member
Kingsley Bruce	-	Ordinary Member

Background

1. On 19 November 2016, the Private Rented Housing Committee ("the Committee") (which was succeeded by the tribunal on 1 December 2016) issued a determination which stated that the Landlords 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 Landlords:-

- (a) To reinstate or repair the missing and defective render on the gable wall of the property to ensure that it is in a reasonable state of repair and in proper working order.
- (b) To replace all of the missing or damaged fencing to the rear of the property to ensure that it is in a reasonable state of repair and in proper working order.

3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within 42 days of the date of service of the Notice, that is, by 9 January 2017.

4. The tribunal received an email from the Landlords dated 21 December 2016 confirming that all of the works in terms of the RSEO had been completed. The tribunal subsequently received written confirmation together with photographs from the Landlords that the works in terms of the RSEO had now been completed. The Third Party confirmed to the tribunal by way of an email that the works had been carried out in terms of the RSEO.

5. A re-inspection of the property took place on 30 January 2017 by the Ordinary Member. He found that all of the works in the RSEO had taken place and, in particular, that the gable wall of the property had been entirely re-rendered and the fencing along the rear boundary of the property had been entirely replaced. The Ordinary Member's re-inspection report dated 6 February 2017 is attached to this decision.

6. 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 and to revoke the RRO. 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.

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 A Pryce

Chairperson

28 February 2017

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

Chamber Ref: PRHP/RT/16/0276 and PRHP/RT/16/0277

34 Makbrar Road, Calside, Dumfries, DG1 4BA
("The Property")

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Lloyd, Oakbank, Carrutherstown, Dumfries, DG1 4LQ ("the Landlords")

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 25 November 2016 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 written on this page are executed by Patricia Anne Pryce, solicitor, 1 Atlantic Quay, Glasgow, chairperson of the tribunal at Glasgow on 28 February 2017 before this witness:-

B A Quinn

witness

name in full

1 Atlantic Quay, Glasgow Address

P A Pryce

Chairperson