

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(5)

Chamber Ref: PRHP/RP/16/0099

Title No: AYR227

29 Martin Avenue, Irvine, KA12 9NU
("The Property")

The Parties:-

Mr. Sebastian Sudorowski, residing at the property
("the Tenant")

Mr. Andrew Russell and Mrs. Allison Russell, 211A Glassdrumman Road,
Annalong, Newry, Northern Ireland, BT34 4QN
("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 17 September 2016 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 27 March 2017 before this witness:-

A Spooner^{witness}
name in full

1 ATLANTIC QUAY Address
45 ROBERTSON STREET
Glasgow

T A Pryce

Chair and Legal Member

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)

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Title no: AYR227

**29 Martin Avenue, Irvine, KA12 9NU
("The Property")**

The Parties:-

**Mr. Sebastian Sudorowski, residing at the property
("the Tenant")**

**Mr. Andrew Russell and Mrs. Allison Russell, 211A Glassdrumman Road,
Annalong, Newry, Northern Ireland, BT34 4QN (represented by their agent, Mr.
Stephen Spence, Director of Lomond Property, 26 Parkhouse Street, Ayr)
("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 12 September 2016 in respect of the property, and taking account of the written information provided by the Landlords' agent, 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	Chair and Legal Member
Carol Jones	Ordinary Member

Background

1. On 12 September 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 repair or replace the windows in the kitchen of the property to ensure that they are wind and watertight and in proper working order.
 - (b) To repair or replace the back door of the property to ensure that it is wind and watertight and in proper working order.
 - (c) To repair or replace the gutters to ensure that they are in a reasonable state of repair and in proper working order.
 - (d) To repair or replace the flooring in the downstairs hallway and in the kitchen to ensure that it is in a reasonable state of repair and in proper working order and to make good any damage to the floor covering in the hallway and kitchen caused by the uneven flooring.
3. The Committee ordered that the works specified in the RSEO were to be carried out within 28 days of the date of service of the RSEO, that is, by 10 October 2016.
4. The surveyor member of the Committee re-inspected the property on 1 November 2016 and found that not all of the works specified in the RSEO had been completed. A further inspection by the Ordinary Member took place on 19 December 2016. The tribunal found that some issues remained outstanding in terms of the RSEO. The Landlords' representative replied advising that he was of the opinion that all of the works in terms of the RSEO had been completed. The tribunal decided to schedule a further inspection and hearing.
5. A re-inspection of the property took place on 27 March 2017 by the tribunal. The tribunal was afforded access to the property by the Tenant. The Landlords' representative, Mr. Spence, was also in attendance at the property. Mr. Spence confirmed at the inspection that the contractor had attended at the property the previous Friday, 24 March 2017, and completed the works to the floorboards located in the kitchen and in the downstairs hall. A hearing took place at the Volunteer Rooms, Irvine, KA12 9NU at 11.30. No one attended the hearing. The tribunal found that all of the works in the RSEO had taken place. The Ordinary Member's schedule of photographs dated 27 March 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. 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.

T A Pryce

Chair and Legal Member

27 March 2017

Date

Schedule of photographs taken during the inspection of 29 Martin Avenue, Irvine KA12 9NU by the First-tier Tribunal for Scotland (Housing and Property Chamber) on 27 March 2017.

Reference Number : PRHP/RP/16/0099



External view - Front elevation of property



Kitchen Floor



Hall floor