

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**STATEMENT OF DECISION** in respect of an application under Section 24 (1) of the Housing (Scotland) Act 2006 ("the Act") and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

**Chamber Ref:** PRHP/RP/16/0205

#### **The Parties:-**

Ms Maxine Campbell, residing at 3 Millburn Road, Westfield, Bathgate, EH48 3BT ("**the tenant**")

And

Dr Andrew McFarlane and Dr Elizabeth McFarlane, both residing at Mole House, Blackpark Inverness, IV3 8PW ("**the landlords**")

#### **The Property:-**

3 Millburn Road, Westfield, Bathgate, EH48 3BT , Being ALL and WHOLE the subjects more particularly described in the Feu Disposition in favour of Andrew Robertson McFarlane recorded in the Register of Sasines for the County of West Lothian on 6 September 1968 ("**the property**")

#### **Tribunal Members**

Mr James Bauld (Legal Member)  
Mr Andrew Taylor (Surveyor Member)

#### **Decision**

The tribunal having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the Repairing Standard Enforcement Order dated 4 October 2016 (hereinafter referred to as "the RSEO" ) in relation to the house concerned, and taking account of the evidence obtained at the re-inspection on 1<sup>st</sup> February 2017 consider that the Landlords have satisfactorily completed the works detailed in the RSEO and decided to issue a certificate of completion of works in terms of Section 60 of the Act and to revoke the RSEO previously made.

#### **Background**

1. An application was made in June 2016 to the then Private Rented Housing Panel ("PRHP") to determine whether the Landlords had failed to comply with the repairing standard. The property was inspected on 26<sup>th</sup> August 2016 and a hearing was subsequently held.
2. After that hearing the PRHP Committee determined that the property failed to meet the repairing standard and issued an RSEO.
3. Subsequent to the issue of the RSEO the Landlords contacted the office of the then PRHP (now the First-tier Tribunal) and indicated that all works had been completed. Having received that notification a further re-inspection was carried out on 30<sup>th</sup> November 2016. On

that date certain of the works in the RSEO remained outstanding. On 1st December 2016, the jurisdiction of the Private Rented Housing Panel was transferred to the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of various regulations and legislation

4. A report was prepared by the surveyor member of the tribunal and was exhibited to the parties. A further re-inspection was carried out on 1<sup>st</sup> February 2017. Again a report was prepared by the surveyor member of the tribunal and a copy of that report is attached to this decision. In terms of that report the surveyor member was satisfied that all works required in terms of the RSEO had been completed and no works were any longer outstanding. The re-inspection report was intimated to the Landlords. By that time the tenant had vacated the property and was technically no longer a party to the proceedings.
5. The tribunal is happy to accept the evidence obtained in terms of the re-inspection report and are able to confirm that all works in terms of the RSEO have now been completed.
6. Accordingly, the Tribunal has determined to issue a Completion Certificate. The decision of the Tribunal was unanimous.

### Rights 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.

**R King** (Witness Signature)  
(Witness Name in full)

**J Bauld** (Legal Member)

*30 March 2017*

7 W. GEORGE ST (Witness address)

GLASGOW

G2 1BA



## Re-Inspection Report (2)



**Property – 3 Millburn Road, Westfield, Bathgate, EH48 3BT**

**Reference-** PRHP/RP/16/0205

**Surveyor –** Andrew Taylor, MRICS

**Previous Inspections –** Full Committee – 10.00am, 28<sup>th</sup> August 2016, Re-inspection 10.30am, 30<sup>th</sup> November, 2016

**Re-inspection (2) –** 10.00am, 1<sup>st</sup> February 2017

**Weather –** Dry, overcast

**In Attendance –** Dr Elizabeth McFarlane, Landlord

**Purpose of Re-inspection -** To establish if the work required under the Repairs Standard Enforcement Order had been completed.

**RSEO –** In terms of the RSEO issued on 4<sup>th</sup> October 2016 the Landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and in particular the following specific areas: -

1. Repair or replace external back door of the property, including frames, facings, draught stripping, thresholds, ironmongery, weather bars to ensure that the door is wind and water tight, repair crumbling render in and surround to backdoor and to carry out all making good and decoration works associated with the above repairs.

#### **Works In RSEO Carried Out**

1. The external back door of the property has been replaced along with the frames, facings, draught stripping, thresholds, ironmongery, weather bars and the door is now wind and watertight. The damaged render at the door in and has been hacked off and replaced.

#### **Works In RSEO Outstanding at Inspection**

1. Nil

#### **Further Works and Information**

- (a) It should be noted that the landlord has carried out the suggested upgrading of the fire detection equipment as noted in the previous re-inspection report.

**Photographs**



Back door of property, 1<sup>st</sup> February 2017



Back door of property, 1<sup>st</sup> February 2017



Render Repair 1<sup>st</sup> February 2017

**Andrew Taylor MRICS**

**Surveyor Member, Housing and Property Chamber, First-tier Tribunal For Scotland**

**1<sup>st</sup> February 2017**

# Housing and Property Chamber First-tier Tribunal for Scotland



## Certificate of completion of work

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

Under section 60 of the Housing (Scotland) Act 2006

**Chamber Ref:** PRHP/RP/16/0205

Re:- Property at 3 Millburn Road, Westfield, Bathgate, EH48 3BT , Being ALL and WHOLE the subjects more particularly described in the Feu Disposition in favour of Andrew Robertson McFarlane recorded in the Register of Sasines for the County of West Lothian on 6 September 1968

The Parties:-

Ms Maxine Campbell, residing at 3 Millburn Road, Westfield, Bathgate, EH48 3BT ("**the tenant**")

And

Dr Andrew McFarlane and Dr Elizabeth McFarlane, both residing at Mole House, Blackpark Inverness, IV3 8PW ("**the landlords**")

Tribunal Members

Mr James Bauld (Legal Member)

Mr Andrew Taylor (Surveyor Member)

## CERTIFICATE OF COMPLETION

The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the works required by the **Repairing Standard Enforcement Order** relative to the house dated 4 October 2016 have been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the house is discharged.

### Rights 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.

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**IN WITNESS WHEREOF** these presents typewritten on this and the preceding page are executed by James Bauld, Solicitor, Legal Member of the First-tier Tribunal for Scotland (Housing and Property Chamber) at Glasgow on 30 March 2017 before this witness.

**R King** (Witness )      **J Bauld** (Legal Member)  
(Witness Name in full)

7 W. GEORGE STREET (Witness address)

GLASGOW, G2 1BA