

# **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: FTS/HPC/RP/17/0026**

**Title Number: LAN157666**

**20 Battles Burn View, The Spinney, Glasgow, G32 8HP  
("the Property")**

**The Parties: -**

**Miss Nicola Brown, formerly residing at the Property  
("the Tenant")**

**and**

**Mr George Preston, 278 Church Road, St Annes, Lytham St Annes,  
Lancashire, FY8 3NR  
("the Landlord")**

### **Decision**

**The First-tier tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), hereby certifies that the works required by the Repairing Standard Enforcement Order relative to the House dated 4 April 2017 and served following a decision of the Private Rented Housing Committee on 29 March 2017 have been completed. Accordingly, the said Repairing Standard Enforcement Notice relative to the Property has been discharged**

**A landlord or tenant aggrieved by this 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**

Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the 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 Maurice O'Carroll, Advocate, Advocates Library, Parliament

House, Edinburgh EH1 1RF, Legal Member and Chair of the Tribunal at  
Edinburgh on 28 June 2017 before this witness.

**M O'Carroll**

Signed  
Maurice O'Carroll, Legal Member

Date: 28 June 2017

**T Whitelaw**

witness:

Name of witness

DEPUTY ADVOCATES CLERK.....Occupation

% PARLIAMENT HOUSE EDI.....Address

PARLIAMENT SQUARE

HIGH ST

EDINBURGH EH1 1RF

# **Housing and Property Chamber**

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

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**Statement relative to the Certificate of Completion issued by the Tribunal in terms of section 60 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/17/0026**

**Title Number: LAN157666**

**20 Battles Burn View, The Spinney, Glasgow, G32 8HP  
("the Property")**

**The Parties: -**

**Miss Nicola Brown, formerly residing at the Property  
("the Tenant")**

**Mr George Preston, 278 Church Road, St Annes, Lytham St Annes,  
Lancashire, FY8 3NR  
("the Landlord")**

**Committee:**

**Mr Maurice O'Carroll (Legal Member and Chair)**

**Mr Nick Allan (Ordinary Member) (Surveyor)**

### **Decision**

**The Tribunal having made such enquiries as was appropriate for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") relative to the Property and taking into account subsequent inspections by the Ordinary Member, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.**

- 1. By decision dated 29 March 2017, the Tribunal issued a determination that the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").**
- 2. On 4 April 2017, the Tribunal issued an RSEO. The RSEO required the Landlord to:**
  - (a) Repair the lighting within the upstairs bathroom so that it functions correctly;**
  - (b) Obtain an up to date Electrical Installation Condition Report containing no C1 or C2 recommendations in respect of the Property and to provide the Tribunal with a copy of the same;**

- (c) Install a heat detector in the kitchen which meets current fire safety requirements; and
  - (d) Install a mains operated inter-connected smoke detector in the living room which meets current fire safety requirements.
3. The RSEO allowed the Landlord a period of 30 days to complete the works required.
  4. By email dated 2 May 2017, the Landlord sought permission to appeal the decision of the Tribunal referred to above. That permission was refused by the Tribunal on 8 May 2017.
  5. On 20 June 2017, the Ordinary Member of the Tribunal re-inspected the Property and found that all of the requirements of the RSEO had been completed. He was also provided with an EICR dated 13 June 2017 which indicated that there were no category C actions reported.
  6. The Ordinary Member therefore produced a report dated 26 June 2017 which confirmed those findings. A copy of that report is appended to the present decision.
  7. In light of the above, the Tribunal was satisfied that all requirements contained within the RSEO had been carried out.

### **Decision**

8. The Tribunal's decision was therefore to discharge the RSEO and to grant the Certificate of Completion in terms of section 60 of the Act. That decision was unanimous.

### **Right of Appeal**

9. **A landlord or tenant aggrieved by this 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**

### **Effect of section 63 of the 2006 Act**

10. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

**M O'Carroll**

Legal Member and Chair

Date: 28 June 2017



## Property Re-inspection Report

**20 Battles Burn View, The Spinney, Glasgow, G32 8HP**

**Case Reference:** FTS/HPC/RP/17/0026

**Surveyor:** Nick Allan (Ordinary member)

**Date of re-inspection:** 20/06/2017

**Time of re-inspection:** 10.00 am

**Weather conditions:** Dry and bright

**Present:** Nick Allan  
Mr George Preston



Requirements of RSEO: -

- (a) Repair the lighting within the upstairs bathroom so that it functions correctly;

**Re-inspection note – The lighting was observed to be functioning correctly. (Photo 1 below)**

- (b) Obtain an up to date Electrical Installation Condition Report containing no C1 or C2 recommendations in respect of the Property and to provide the Tribunal with a copy of the same;

**Re-inspection note – An EICR dated 13/06/2017 was produced by Mr Preston and handed to the Ordinary Member. The Report contains no C1 or C2 recommendations. A copy will be made and the original returned to Mr Preston via the Caseworker.**

- (c) Install a heat detector in the kitchen which meets current fire safety requirements; and

**Re-inspection note – A heat detector has been installed in the kitchen, and is fully functioning. (Photo 2 below)**

- (d) Install a mains-operated inter-connected smoke detector in the living room which meets current fire safety requirements.

**Re-inspection note – A mains-operated inter-connected smoke detector has been installed in the living room. (Photo 3 below)**



**Photo 1 – Bathroom lighting**



**Photo 2 – Kitchen heat sensor**



**Photo 3 – Living room smoke detector**

Nick Allan FRICS  
Surveyor – Ordinary Member  
First-tier Tribunal (Housing and Property Chamber)  
26<sup>th</sup> June 2017