

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: FTS/HPC/RT/16/1025

Title no: DMF18543

7 Birkburn Road, Kelloholm, Kirkconnel DG4 6SE
("the Property")

The Parties:-

Dumfries & Galloway Council, Strategic Housing, Council Offices,
Buccleuch Street, Dumfries DG1 2NE
("the Third Party Applicant")

Mr Liam Wakenshaw, residing at 7 Birkburn Road, Kelloholm,
Kirkconnel DG4 6SE
("the Tenant")

Dowsing & Culmer Limited, a company incorporated under the
Companies Acts (Company Number 08808079) and having its registered
office at 1a Rosedale Road, Richmond, Surrey
("the Landlord")

The Tribunal

Richard Mill (Legal Member)
Donald Wooley (Ordinary Member)

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 made on 17 March 2017 has been completed satisfactorily. Accordingly, the said Repairing Standard Enforcement Order relative to the Property is herewith discharged. Reference is made to the corresponding statement of decision providing the Tribunal's reasons.

Right of Appeal

1. 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.

2. 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 Tribunal 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(s) are executed by Richard George Mill, solicitor, 69-71 Daly Road, Edinburgh EH11 2AA, legal member of the tribunal at Edinburgh on 8 June before this witness:-

R Mill

Legal Member

M J Murray

Witness

Name

69-71 DALRY ROAD

Address

EDINBURGH

EH11 2AA

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION OF THE HOUSING AND PROPERTY CHAMBER OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND UNDER SECTION 60(5) OF THE HOUSING (SCOTLAND) ACT 2006

Chamber Ref: FTS/HPC/RT/16/1025

Title no: DMF18543

**7 Birkburn Road, Kelloholm, Kirkconnel DG4 6SE
("the Property")**

The Parties:-

**Dumfries & Galloway Council, Strategic Housing, Council Offices,
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Companies Acts (Company Number 08808079) and having its registered
office at 1a Rosedale Road, Richmond, Surrey
("the Landlord")**

The Tribunal

**Richard Mill (Legal Member)
Donald Wooley (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Landlord has complied with the Repairing Standard Enforcement Order in respect of the Property made on 17 March 2017 and that a Certificate of Completion should be issued in terms of Section 60(5) of the Housing (Scotland) Act 2006.

Background

1. Following an inspection of the Property on 17 February 2017, the Tribunal issued a Repairing Standard Enforcement Order dated 17 March 2017 in respect of the Property in the following terms:-

- "1. To produce an up-to-date Gas Safety Certificate in respect of the property. In the event that the Certificate raises any concerns and works which require to be undertaken, then those additional works should be completed and evidenced by way of vouching.
2. To relocate the carbon monoxide detector within the living room and front bedroom of the property in order to ensure that they comply with the Scottish Government Statutory Guidance for the provision of carbon monoxide alarms in private rented housing.

The Tribunal orders that the works specified in this Order must be carried out and completed within the period of 4 weeks from the date of service of this Notice and evidenced to the Tribunal."

2. The Ordinary Member of the Tribunal re-inspected the Property on 10 May 2017. The written Re-inspection Report was prepared and dated the same date. By way of letter dated 12 May 2017, the said Re-inspection Report was issued to parties. They were asked to confirm if they wished to make a request for an oral hearing to provide a response to the Re-inspection Report, and otherwise to provide any comments upon it. They were given until 26 May 2017 for this purpose. No response was received from any of the parties.
3. The Tribunal resumed consideration of the outstanding issues and was satisfied that the works required in terms of the Repairing Standard Enforcement Order have been completed satisfactorily. A Gas Safety Certificate dated 8 March 2017 was received confirming that there were no outstanding faults. A corresponding invoice from the contractor issuing the Certificate was also received which related to the faults identified and referred to within the former Gas Safety Certificate. At the re-inspection it was noted that a new ceiling mounted carbon monoxide detector had been installed in accordance with the Scottish Government's Statutory Guidance. The only possible issue of concern which remained was the location of the wall mounted carbon monoxide detector in the first floor bedroom. This had not been re-positioned in accordance with the Scottish Government's Statutory Guidance. However, investigations otherwise undertaken by the Tribunal revealed that the detector had been installed in connection with the manufacturer's installation instructions and accordingly the Tribunal was satisfied that the detector did not require to be re-positioned.
4. The Tribunal accordingly determined that the Landlord had complied with the Repairing Standard Enforcement Order made on 17 March

2017 and that a Certificate of Completion should, in those circumstances, be issued.

Right of Appeal

5. 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.
6. 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.

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