

**Housing and Property Chamber**  
**First-tier Tribunal for Scotland**

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**CERTIFICATE OF COMPLETION OF WORK UNDER SECTION 60 OF THE  
HOUSING (SCOTLAND) ACT 2006 AS AMENDED (“the Act”)**

**Chamber Ref: FTS/HPC/RT/18/2570**

**Title no: OAZ2579**

**The Property: 59 QUOYBANKS CRESCENT, KIRKWALL, ORKNEY KW15 1EN**

**The Parties:**

**ORKNEY ISLANDS COUNCIL, School Place, Kirkwall, Orkney KW15 1NY per Mr Paul Turner, Environmental Health Officer. (“third party applicant”)**

**MR JON O’JOYCE, formerly residing at the property and whose whereabouts are currently unknown. (“the former tenant”)**

**HENRY CLIVE CHADDOCK and MRS CYNTHIA REBECCA CHADDOCK, residing at The Manse, Harray, Orkney KW15 2JR per MS SERENA SUTHERLAND, Solicitor, D&H Law, 56A ALBERT STREET, Kirkwall, Orkney KW15 1HQ. (“the landlords”)**

**The tribunal:**

**Mr David M Preston, Legal Chairman and Mr Greig Adams, Surveyor and 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 (“RSEO”) relative to the Property dated 24 January 2019 has been completed. Accordingly, the said RSEO relative to the property has been discharged.**

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.

In terms of Section 63 of the Act, 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 comprising this and the preceding page are signed as follows

**D Preston**

Chairing Member

D Preston

Place of signing

2 July 2020

Date of signing

**H McLean**

Witness signature

H McLean

Witness full name

T. McLean

Witness Address

Benvenue Ltd

CSAN

17.9422

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**Housing and Property Chamber**  
**First-tier Tribunal for Scotland**



**STATEMENT OF DECISION FOR CERTIFICATE OF COMPLETION UNDER  
SECTION 24 HOUSING (SCOTLAND) ACT 2006.**

**Chamber Ref: FTS/HPC/RT/18/2570**

**Title no: OAZ2579**

**The Property: 59 QUOYBANKS CRESCENT, KIRKWALL, ORKNEY KW15 1EN**

**The Parties:-**

**ORKNEY ISLANDS COUNCIL, School Place, Kirkwall, Orkney KW15 1NY per Mr Paul Turner, Environmental Health Officer. (“third party applicant”)**

**MR JON O’JOYCE, formerly residing at the property and whose whereabouts are currently unknown. (“the former tenant”)**

**HENRY CLIVE CHADDOCK and MRS CYNTHIA REBECCA CHADDOCK, residing at The Manse, Harray, Orkney KW15 2JR per MS SERENA SUTHERLAND, Solicitor, D&H Law, 56A ALBERT STREET, Kirkwall, Orkney KW15 1HQ. (“the landlords”)**

**The tribunal:**

**Mr David M Preston, Legal Chairman and Mr Greig Adams, Surveyor and 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 (“RSEO”) relative to the Property dated 24 January 2019 has been completed. Accordingly, the said RSEO relative to the property has been discharged.**

**Reasons for Decision:**

- 1. On 9 January 2020 the Ordinary (Surveyor) Member of the tribunal carried out a re-inspection of the property and issued a report following thereon which was copied to the landlords and the third-party applicant on 29 January 2020. The report is attached hereto and referred to for its terms.**
- 2. The re-inspection found that the works required by the RSEO had generally been completed, although a number of items remained outstanding. In particular:**

- a) Missing kitchen units had not been replaced. 1 x missing wall unit door and 1 x base unit door had not been replaced.
  - b) The timber shed floor was heavily timber decayed and posed a threat to the safety of users.
3. By email dated 15 April 2020 the landlords said that they had attended to these issues and submitted photographs showing that doors had been fitted to the kitchen units. They also submitted photographs of the shed floor from which it was not possible to determine whether the flooring had been satisfactorily remedied.
4. In view of the fact that by the time of the landlords' response, measures were in place to prevent the spread of the Coronavirus virus, it was not possible for the property to be further inspected. In view of the danger to anyone attempting to use the shed, the tribunal determined that enquiry should be made of the third-party applicant to carry out an inspection of the floor. This was an unusual step for the tribunal to take, but in the interests of fairness it decided that to delay matters until a further inspection could take place would not be proportionate to the issue.
5. On 21 May 2020 Mr Turner advised that he had visited the property and reported that he had looked through the window and was able to confirm that doors had been fitted to the kitchen units. He also entered the garden shed and noted a repair to the floor by way of a sheet of wood being screwed/nailed over the hole and standing on the board he was able to confirm that it was able to bear his weight.
6. In the particular circumstances of this case and in light of the 'lockdown' the tribunal has decided that the work required in terms of the RSEO has been satisfactorily completed and determined to issue a Certificate of Completion and to discharge the RSEO

**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.**

**In terms of Section 63 of the Act, 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.**

**D Preston**  
.. Chairman

1 July 2020