

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

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**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**

**Ref: PRHP/G82/137/12**

**Re property at: Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD, being the subjects registered in the Land Register of Scotland under Title Number DMB 5199 (“the Property”)**

**The Parties:-**

**Ms Isabel Crawford, residing at Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD (“the former tenant”)**

**and**

**Mr Archibald Scott Gray, Chartered Accountant, as judicial factor to the sequestrated estate of the late Ian McMurdo Thomson per his agent, Zolfo Cooper LLP, Cornerstone, 107 West Regent Street, Glasgow, G2 2BA (“the original landlord”)**

**Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD. (“the former landlord”)**

**Mrs Aisla Staniforth and Mr James Staniforth, residing at Ballymenoch House, Cardross, G82 5HD (“the current owners”)**

**The Tribunal Members comprised:-**

**Mr James Bauld (Legal Member)**  
**Mr Kingsley Bruce (Ordinary 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 27 November 2012 and issued by the then Private Rented Housing Panel 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.

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.

# J Bauld

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Legal member

22 October 2021.

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### 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

**Ref: PRHP/G82/137/12**

**Re property at: Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD, being the subjects registered in the Land Register of Scotland under Title Number DMB 5199 (“the Property”)**

**The Parties:-**

**Ms Isabel Crawford, residing at Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD (“the former tenant”)**

**and**

**Mr Archibald Scott Gray, Chartered Accountant, as judicial factor to the sequestrated estate of the late Ian McMurdo Thomson per his agent, Zolfo Cooper LLP, Cornerstone, 107 West Regent Street, Glasgow, G2 2BA (“the original landlord”)**

**Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD. (“the former landlord”)**

**Mrs Aisla Staniforth and Mr James Staniforth, residing at Ballymenoch House, Cardross, G82 5HD (“the current owners”)**

**The Tribunal Members comprised:-**

**Mr James Bauld (Legal Member)**  
**Mr Kingsley Bruce (Ordinary 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 27 November 2012 (hereinafter referred to as “the RSEO”) in relation to the house concerned, and taking account of the evidence obtained at the re-inspection which took place on 30 July 2021 consider that the works required in the RSEO have now been satisfactorily completed and accordingly the Tribunal have decided to issue a Certificate of Completion of Works in terms of Section 60 of the Act

## **Background**

1. Reference is made to the original decision made by the then Private Rented Housing Committee dated 27 November 2012. On 1st December 2016 the functions of the Private Rented Housing Committee were transferred to the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of legislation and regulations. At the time of the original decisions, the then committee consisted of three members including Tom Keenan housing member. Mr Keenan has subsequently retired from the tribunal and this decision has been made by the remaining members of the tribunal. The RSEO with was originally issued has been varied on a number of occasions. The most recent variation was issued on 28 July 2017 and that variation determined that the former landlord should be given until 31st December 2017 to arrange for the outstanding works to be completed. The tenant has long since vacated the property and is no longer a party to these proceedings
2. Arrangements were made for a further inspection to take place on 14 June 2018. That inspection was cancelled as it was intimated to the tribunal that the former landlord had sold the property to a new owner. A copy of the RSEO was sent to the then owner and he was asked to advise the tribunal when the works were completed.
3. In November 2019, the property was sold to the current owners. They were also aware of the existence of the RSEO.
4. By email dated 4 June 2020, the current owners indicated to the tribunal that they had undertaken a complete refurbishment of the property and wish to arrange a reinspection. At that date, the tribunal was subject to various restrictions which had been introduced to deal with the coronavirus pandemic and it was not then able to arrange a reinspection.
5. The tribunal thereafter determined that it would fix a case management discussion (CMD) to discuss further procedure in this case.
6. A case management discussion was set to take place on 5 February 2021. At the CMD it was agreed that a reinspection would be carried out when it was safe to do so .At that date inspections were suspended owing to the restrictions

imposed by the government to deal with the ongoing Coronavirus pandemic.

7. On 30 July 2021 the Tribunal members attended at the property to carry out an inspection. An inspection had been requested by the current owner of the property. At the inspection it was clear to the members that all the outstanding works in terms of the Repairing Standard Enforcement Order had been completed.
8. Subsequent to the inspection, the ordinary member prepared a property re-inspection report dated 4 August 2021. The inspection report concludes that all the works in terms of the Repairing Standard Enforcement Order have been completed and that there are no outstanding works. A copy of the inspection report is annexed to this decision.
9. The Tribunal have considered the terms of the inspection report and have now determined that all works in the RSEO have now been completed. The Tribunal accordingly unanimously agreed that the Certificate of Completion in terms of the RSEO should be issued.

### **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.

# **J Bauld**

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Legal Member

22 October 2021