

Housing and Property Chamber

First-tier Tribunal for Scotland



DETERMINATION BY FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)

Statement relative to the 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 Reference: FTS/HPC/RP/23/0270

Sasines Description: Subjects in the County of Ross and Cromarty being the subjects more particularly described in Disposition to Ian Ross and Elizabeth Tolmie Ross recorded in the Division of the General Register of Sasines for the County of Ross and Cromarty on 29th April 1996

The Parties

Mr Mark Rodgers, Rowan Cottage, Drumsmittal, North Kessock, Inverness, IV1 3XF (“The Tenant”)

Mrs Elizabeth Ross, Rosscroft Properties, Culbin, Drumsmittal, North Kessock, Inverness, IV1 3XF (“The Landlord”)

Subjects: Rowan Cottage, Drumsmittal, North Kessock, Inverness, IV1 3XF (“the Property”)

Tribunal Members

Ms H Forbes (Legal Member)

Mr R Buchan (Ordinary Member)

Background

1. Further to a decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dated 24th April 2023, the Landlord was required to comply with the RSEO relative to the Property and dated 26th April 2023. The RSEO required the Landlord to:
 - Carry out such works as are necessary to alleviate the flooding to the paved area.

The Tribunal ordered that the works specified in the RSEO must be carried out within 8 weeks from the date of service of the RSEO, which was issued on 26th April 2023.

2. By email dated 26th May 2023, the Landlord informed the Tribunal that contractors had found a leak below the patio slabs, and work had been completed to repair the leak and replace the slabs at an appropriate level to allow drainage. The Landlord provided copy invoice and photographs.
3. By email dated 22nd June 2023, the Tenant responded to a Tribunal enquiry stating that there had been no heavy rain and it was impossible to determine whether the work carried out had solved the problem.
4. The Tribunal decided it would not be appropriate to schedule a reinspection, as the nature of the issue meant it would be impossible to ascertain whether the work had alleviated the problem. The Tribunal decided to put determination of the application on hold until August 2023, to allow the Tenant to provide further information following any spell of heavy rain.
5. By email dated 4th August 2023, the Landlord informed the Tribunal that the tenancy had ended, providing supporting documentation to that effect.

Decision

6. The Tribunal considered whether or not it was appropriate to find that the works required by the RSEO had been completed and whether the appropriate Certificate of Completion in terms of section 60 of the 2006 Act should be issued. The Tribunal agreed that the works required by the RSEO had been carried out.
7. In all the circumstances, the Tribunal agreed that the appropriate Certificate should be issued. The decision was unanimous.

Right of Appeal

A landlord, tenant or third party Tenant aggrieved by the 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 62 of the 2006 Act

Where such an appeal is made, the effect of the decision and 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.

Chairperson
First Tier Tribunal for Scotland (Housing and Property Chamber)
Date: 11th August 2023