

Housing and Property Chamber First-tier Tribunal for Scotland



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

Determination: Statement relative to Certificate of Completion of work issued under Section 60 of the Housing (Scotland) Act 2006 (the 2006 Act).

Chamber Ref: PRHP/RP/15/0332

Title no: AYR25741

**2 Afton Place, Ardrossan, KA22 7JD
("The House")**

The Parties:-

**Mr Jamie McFarlane
residing at the House
("the Tenant")**

**Mr John Stevenson, 9 Auchenharvie Road, Saltcoats, KA21 5RJ (represented by his agent Property Matters, 97 John Finnie Street, Kilmarnock, KA1 1BG
("the Landlord"))**

Members of the tribunal: Martin J. McAllister, solicitor, legal member and Carol Jones, surveyor, ordinary member.

Decision:

The tribunal determined that a certificate of completion be issued in terms of Section 60 of the 2006 Act.

Background:

1. On 16th March 2016 a private rented housing committee made a repairing standard enforcement order (RSEO) in respect of the House. The members of the committee were Martin J. McAllister, solicitor, Chairman and George Campbell, surveyor.
2. On 1st December 2016 the Housing and Property Chamber assumed responsibility for the application. The members of the tribunal dealing with

the application are Martin J. McAllister, solicitor, legal member and Carol Jones, surveyor, ordinary member.

3. The RSEO was in the following terms:

(One) The Landlord is to repair or replace windows throughout the Property to ensure they are draught free and to eliminate internal condensation within the window units. The Landlord is required to produce a report from a suitably qualified window installer confirming that the windows are fit for purpose.

(Section 13 (1) (a) of the 2006 Act)

(Two) The Landlord is required to produce a report from a suitably qualified heating engineer confirming that the boiler and associated central heating system is in proper working order to provide effective heating throughout the Property.

(Section 13 (1) (c) of the 2006 Act)

(Three) The Landlord is required to repair the wall mounted kitchen cupboard and ensure that it is properly fixed to the wall. (Section 13 (1) (d) of the 2006 Act)

(Section 13 (1) (d) of the 2006 Act)

(Four) The Landlord is to produce an electrical installation condition report prepared by a suitably competent person confirming that the electrical system within the Property is in a safe and efficient condition. This report should confirm that all lights in the property are functioning.

(Section 13 (1) (c) of the 2006 Act)

(Five) The Landlord is to repair or replace the extractor fan in the bathroom.

(Section 13 (1) (d) of the 2006 Act)

(Six) The Landlord is to install a heat detector and a carbon monoxide detector to comply with current regulations.

(Section 13 (1) (f) and (g) of the 2006 Act)

In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, the committee determined that the repairing standard enforcement order requires to be completed within a period of three months from its service on the Landlords.

4. Numerous variations of the repairing standard enforcement order were made to allow the Landlord more time to carry out the work.
5. On 20th March 2017 the tribunal inspected the Property and, following upon a Hearing on the same date, it determined that the RSEO be further varied to allow the Landlord additional time to comply with its terms.
6. The matter outstanding on 20th March was a report from a suitably qualified heating engineer confirming that the boiler and associated central heating system is in proper working order to provide effective heating throughout the Property.
7. A report from UPH Heating Services in satisfactory terms and dated 22nd March 2017 was provided to the tribunal. A copy is attached.
8. The Tenant's representative emailed the tribunal on 25th April 2017 and she stated that she had spoken to the Tenant who had told her that the "heating system is still having issues." The email referred to a leak in the living room and problems with hot water. The representative's email indicated that she intended informing the letting agents of the problems.
9. The tribunal considered matters. It considered that, in providing the report, the Landlord had complied with the terms of the RSEO. It may be that there are current defects in the heating system but the Tenant requires to deal with any such matters by reporting them to the letting agents.
10. The tribunal considered matters, determined that it was satisfied that the works required by the RSEO had been completed and that it was appropriate to issue the Certificate of Completion in terms of Section 60 of the 2006 Act.

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.

M McAllister

Martin J. McAllister, Solicitor,
Legal Member of the Housing and
Property Chamber of the First-tier
Tribunal for Scotland.

8th May 2017

~~PM115760~~ ~~RP/15/0332~~ RP/15/0332
This is the Gas Engineer Report referred to in Decision
75th May 2017 M McAllister



Job Sheet

Job Sheet No. 2

Company / Installer		Job Address		Client / LandLord	
Engineer	Paul Armstrong	Name		Name	N
Company	Uph Heating Services	Address	2	Company	Property Matters Online
Address	17		Afton Place	Address	97
	Merrygreen Place		Ardrossan		John Finnie Street
	Stewarton		North Ayrshire		Kilmarnock
Post Code	KA3 5EJ	Post Code	KA227JD		East Ayrshire
Tel No.	07701089243	Tel. No		Post Code	KA1 1BQ
Gas Safe Reg No.	300329			Tel. No	01563 558877
ID Card No.	300329			Mob. No	

Job Notes

Called out to test heating system, found that the top hall, bathroom and back bedroom all needed bled, the pressure on the boiler was also low, bled radiators and topped up system, explained use to tenant, he was happy all was working ok when we left

Spares Required

Job Ref	PMO115760	Hours Used	1	Awaiting Parts	No	Job Completed	Yes
Signatures		Received by: Signed		Date		22-Mar-2017	
Issued by: Signed				Arrival Time		10:00	
Print Name: Paul Armstrong		Print Name:		Departure Time		11:15	

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



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

Certificate of Completion of Work under Section 60 (5) (b) of the Housing (Scotland) Act 2006

**Chamber Ref: PRHP/RP/15/0332
Title no: AYR25741**

**2 Afton Place, Ardrossan, KA22 7JD
("The House")**

The Parties:-

**Mr Jamie McFarlane
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his agent Property Matters, 97 John Finnie Street, Kilmarnock, KA1 1BG
("the Landlord"))**

Certificate of Completion

The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 18th March 2016 has been completed. Accordingly the said Repairing Standard Enforcement is discharged.

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.

These presents on this and the preceding page signed at Kilwinning on 8th May 2017 by Martin J. McAllister, Solicitor, Legal Member of the Housing and Property Chamber of the First-tier Tribunal for Scotland before Kayleigh Guthrie, 83 Main Street, Kilwinning KA13 6AN.

M McAllister

K Guthrie