

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: PRHP/RP/16/0048

Title No: REN113048

**23 Ard Road, Renfrew, PA4 9DD
("The Property")**

The Parties:-

**Miss Julie Anne Lannigan, formerly residing at the property
("the former Tenant")**

**Mr. Younis Mohammed, 3 Braefield Drive, Thornliebank, Glasgow, G46 7DL ("the
Landlord")**

The 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 served on 30 August 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been 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."

In witness whereof these presents type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 1 Atlantic Quay, Glasgow, chairperson of the tribunal at Glasgow on 19 March 2017 before this witness:-

_____ witness P Pryce
NICHOLAS PRYCE name in full
55 BLYTHSLOD ST Address
GLASGOW Chair and Legal Member 

Housing and Property Chamber First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)

Chamber Ref: PRHP/RP/16/0048

Title no: REN113048

**23 Ard Road, Renfrew, PA4 9DD
("The Property")**

The Parties:-

**Miss Julie Anne Lannigan, formerly residing at the property
("the former Tenant")**

**Mr. Younis Mohammed, 3 Braefield Drive, Thornliebank, Glasgow, G46 7DL ("the
Landlord")**

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order dated 27 April 2016 in respect of the property, and taking account of the written information provided by the Landlord's agent, determined that the Landlord has complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Patricia Anne Pryce	-	Chair and Legal Member
Mike Links	-	Ordinary Member

Background

1. On 27 April 2016, the Private Rented Housing Committee ("the Committee") (which was succeeded by the tribunal on 1 December 2016) issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the Committee required the Landlord to:-
 - "1. Carry out a certificated electrical condition check (EICR) on the entire electrical installation of the property, by a suitably qualified and registered SELECT or NICEIC electrical contractor and carry out such repair or replacement works as recommended by that check to ensure that the boiler is operating to provide hot water and heating, the heat, smoke and carbon monoxide detectors are sufficient to comply with current regulations and are in proper working order and that any appliances provided by the Landlord are in proper working order and provide a certificate confirming these works have been carried out to the Committee.
 2. Instruct a suitably qualified gas engineer to:-
 - i) carry out an inspection of the gas installations in the property;
 - ii) install a gas meter and
 - iii) provide a gas safety certificate."
3. The Committee ordered that the works specified in the RSEO were to be carried out and completed on or before 31 May 2016.
4. The surveyor member of the Committee re-inspected the property on 2 June 2016 and found that not all of the works specified in the RSEO had been completed. A further inspection and hearing took place on 17 October 2016. The Committee found that some issues remained outstanding in terms of the RSEO. The Committee issued a decision in terms of Section 26(1) of the 2006 Act that the Landlord had failed to comply with the RSEO.
5. A re-inspection of the property took place on 3 March 2017 by the Ordinary Member. He found that all of the works in the RSEO had taken place. The Ordinary Member's re-inspection report dated 4 March 2017 is attached to this decision.
6. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Committee was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

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.

P Pryce



Chair and Legal Member

19 March 2017

Date

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber

RE-INSPECTION REPORT



PROPERTY: 23 Ard Road, Renfrew PA4 9DD

HPC REF No: PRHP/RP/16/0048

SURVEYOR: Mike Links

IN ATTENDANCE: Margaret Archer (Landlord's Agent)

WEATHER: Dry

ACCESS:

I re-inspected the property on Friday 3rd March 2017 at 9.30am. Mrs Archer was in the property and happy to permit my inspection.

RSEO:

The following works are required by the RSEO following on from the Inspection and Hearing on 14th April 2016. A re-inspection was undertaken on 2nd June 2016 and a full committee Inspection and Hearing on the 17th October 2016. A Hearing was scheduled for 19th September, 2016 at 11.30am within Wellington House, 134-136 Wellington Street Glasgow but to confusion by the landlord's agent that Hearing was postponed to the October date.

1. Carry out a certificated electrical condition check (EICR) on the entire electrical installation of the Property, by a suitably qualified and registered SELECT or NICEIC electrical contractor and carry out such repair or replacement works as recommended by that check to ensure that the boiler is operating to provide hot water and heating, the heat, smoke and carbon monoxide detectors are sufficient to comply with current regulations and are in proper working order and that any appliances provided by the Landlords are in proper working order and provide a certificate confirming these works have been carried out to the Committee.
2. Instruct a suitably qualified gas engineer to:-
 - i) carry out an inspection of the gas installations in the Property;
 - ii) install a gas meter and
 - iii) provide a gas safety certificate

WORKS IN RSEO UNDERTAKEN::

1. A valid EICR has been submitted. There is a new boiler which provides heating and hot water. A carbon monoxide detector has been fitted and correctly positioned. The smoke and heat detectors are all hard wired and when tested, are inter-connected. A PAT certificate has been submitted.
2. A gas meter has been installed. A valid gas safety certificate was produced at the Hearing held on the 17th October 2016.





WORKS IN RSEO OUTSTANDING:

None

RECOMMENDATION:

Once the re-inspection report is forwarded to the Landlord/Agent for comment the Tribunal will then decide what further action is required.

Mike Links

Ordinary Member (Surveyor)

Housing and Property Chamber

Date: 4th March 2017