

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/16/0237

Property at: 42/14 Gardner's Crescent, Edinburgh EH3 8DG

Title No: MID54784

The Parties

Duncan Beveridge, 42/14 Gardner's Crescent, Edinburgh EH3 8DG
("the tenant")

and

Gary Weston c/o Braemore Lettings, 92 Morningside Road, Edinburgh EH10 4BY
("the landlord")

Tribunal Members

Paul Doyle
Robert Buchan

Legal Member
Ordinary Member

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 10 October 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

A landlord, tenant or third party applicant 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.

In witness whereof these presents are executed by Paul Doyle chairperson of the tribunal at Edinburgh on 18 May 2017 before Emma Doyle, 24 Haddington Place,
Edinburgh:-

E Doyle

P Doyle

___ witness

___ chairperson

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Facts and Reasons for Decision to Grant a Certificate of Completion of Works under Housing (Scotland) Act 2006 Section 60

Chamber Ref: PRHP/RP/16/0237

Property at: 42/14 Gardner's Crescent, Edinburgh EH3 8DG

Title No: MID54784

The Parties

Duncan Beveridge, 42/14 Gardner's Crescent, Edinburgh EH3 8DG
("the tenant")

and

Gary Weston c/o Braemore Lettings, 92 Morningside Road, Edinburgh EH10 4BY
("the landlord")

Tribunal Members

Paul Doyle
Robert Buchan

Legal Member
Ordinary Member

Statement of Facts and Reasons

1 On 10 October 2016, the Private Rented Housing Committee (now the First-tier Tribunal for Scotland (Housing and Property Chamber)) issued a decision requiring the landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 26 September 2016. On 23 January 2017, the ordinary member of the Tribunal re-inspected the property. A copy of the ordinary member's report is attached hereto. The Tribunal refers to that report for its terms and adopt it as part of their findings in fact *brevitatis causa*.

2. The ordinary member found that there were still outstanding works. He found that

i) At the time of inspection the new gas safety record and EICR were not available. These were to be sent to the office of the First-tier Tribunal within the following week. These have been received and are attached to this report.

ii) As noted above, the second wardrobe door has still to be fitted.

iii) The electric sliding doors had proven problematic and it was thought they should be removed as they appeared to form no useful purpose although this was to be checked.

3. The ordinary member's report was circulated to both the applicant and respondent, who were invited to provide their comments and reactions to the contents of the report within 14 days. The landlord's agent in an email dated 13th April 2017 provided invoices and a photograph to demonstrate that the second wardrobe door had been fitted and that the electric doors had been repaired.

4. After the inspection and the period of consultation with parties, and placing reliance on the ordinary member's report, together with the further evidence and representations provided by the landlord's agents, the Tribunal is satisfied that the works required by the Repairing Standard Enforcement Order have been carried out and that the Repairing Standard Enforcement Order had been complied with.

5. In the circumstances, the Tribunal is satisfied that all works required by the Repairing Standard Enforcement Order had been carried out satisfactorily. Accordingly, the Tribunal decided to grant a certificate of completion.

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.

P Doyle

Signed

18 May 2017

Legal Member

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) Housing (Scotland) Act 2006 Re-inspection report



Property: 42/14 Gardner's Crescent, Edinburgh EH3 8DG

Reference Number: PRHP/RP/16/0237

Date of inspection: 23rd January 2017

Surveyor: Robert Buchan, FRICS

Access: Full access was provided. The property was vacant and unfurnished.

In attendance: Caroline Inglis, agent for the landlord

Repairing Standard Enforcement Order (RSEO)

Works required by the RSEO:

(1) Strip out the upper bathroom to identify the source of the problem causing the damage, thereafter repair and replace, carry out all necessary plumbing, electrical, refitting and decoration works to reinstate the bath/shower-room in this property.

(2) To investigate the source of leakage from the boiler cupboard adjacent to the kitchen and repair or replace the boiler so that it can provide hot water to the en-suite shower and thereafter provide the PRHP with a Gas Safety Record from a suitably qualified, and Gas Safe registered heating engineer on the safety of the gas central heating boiler and all other gas appliances in the property, and, if necessary, carry out any further repairs or replacement to ensure that all gas appliances are safe to use, and are in proper working order.

(3) Repair or replace the defective wardrobe doors in the master bedroom

(4) Repair or replace the electric door providing access to the upper hallway

(5) Instruct an Electrical Installation Condition Report (EICR) and Portable Appliance Test (PAT) on the entire electrical installation of the property and all electrical appliances and equipment supplied by the landlord to be carried out by a suitably qualified and registered SELECT or NICEIC electrical contractor. Carry out works to rectify any identified issues in these reports and provide the PRHP with an unqualified report from a suitably qualified and registered SELECT or NICEIC electrical contractor confirming the works are completed.

Works in the RSEO undertaken:

a) The floor in the upper bathroom has been fully repaired and re-tiled. The shower base has been re-sealed and the bathroom re-instated.

b) The leakage to the boiler cupboard has been rectified and the boiler cupboard has been redecorated. The en-suite shower base has been re-sealed.

c) One of the wardrobe doors had been replaced with a new mirrored door. The agent advised that the second mirrored door had been broken during installation and so another door had to be ordered and this would take a number of weeks to arrive as it was custom made.

Outstanding works:

i) At the time of inspection the new gas safety record and EICR were not available. These were to be sent to the office of the First-tier Tribunal within the following week.

These have been received and are attached to this report.

ii) As noted above, the second wardrobe door has still to be fitted.

iii) The electric sliding doors had proven problematic and it was thought they should be removed as they appeared to form no useful purpose although this was to be checked.

This report will be passed to the landlord for comment and, further to any comment, the First-tier Tribunal will decide on what further action is necessary.

Photographs were taken on the day of inspection and are attached.

Robert Buchan, FRICS

Date of report: 3rd April 2017