

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Certificate of Completion of Work under Section 60 of the Housing (Scotland) Act 2006 as amended ("the Act")**

**Chamber Ref: FTS/HPC/RP/17/0043**

**Title no/Sasine Description: Land Register Title number MID131698**

**Flat 16, 18 Simpson Loan, Edinburgh, EH3 9GB  
("The House")**

**The Parties:-**

**Lucas Gregory, residing at Flat 16, 18 Simpson Loan, Edinburgh, EH3 9GB  
("the Tenant")**

**Graham Robert Henderson and June Mary Henderson, spouses, 24 Weir Avenue, Prestwick, KA9 2JY  
("the Landlord")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') hereby certifies that the work required by the **Repairing Standard Enforcement Order ("RSEO")** relative to the Property served on 19 MAY 2017 has been completed. Accordingly, the said RSEO relative to the property has been discharged.

**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.**

In terms of Section 63 of the Act, 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 Susanne L M Tanner, Queens Counsel, legal member of the Tribunal, at Edinburgh on the 14 August 2017 in the presence of the undernoted witness:-

(insert signature) S Tanner

Legal member

(insert signature) \_\_\_\_\_

Witness

Cheryl Stevens name in full

Ampeisend address

Parliament House, Edinburgh  
EH1 1RF

# **Housing and Property Chamber**

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**STATEMENT OF DECISION: Housing (Scotland) Act 2006, Section 60**

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Avenue, Prestwick, KA9 2JY  
("the Landlord")**

### **Tribunal members**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") members are Susanne Tanner, Q.C., legal member and chairperson; and Alex Hewton, ordinary member.

### **DECISION**

2. The tribunal was satisfied that the work required by the Repairing Standard Enforcement Order dated 3 May 2017 has been completed and granted a certificate certifying the same as required by Section 60(4) of the Housing (Scotland) Act 2006 ("the 2006 Act").
3. The decision of the tribunal was unanimous.

## REASONS

4. On 11 April 2017 the tribunal determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the 2006 Act and proceeded to make a Repairing Standard Enforcement Order (RSEO) as required by s24(2) of the 2006 Act. The RSEO dated 3 May 2017 was served on the Landlord on 19 May 2017.
5. The Landlord was required to carry out the required works on the House within a period of 84 days from service of the RSEO. The required works included works to the sliding door/window in the living area and the ventilation / extraction system in the House.
6. On 18 June 2017 the Landlord advised that the work had been completed and submitted three photographs of the sliding door which were said to show that it could be safely and fully opened and closed; together with two invoices / reports from Grange Energy Services Limited confirming that the installed ventilation system was in proper working order (including the boost function), had been serviced and that the ducting was correctly and permanently connected to the fan unit.
7. The tribunal sent notification to the Tenant and asked for confirmation as to whether the works had been completed, inviting a response by 26 June 2017. No response was received from the Tenant. However, it is now understood that the tenant moved out of the House on or around 19 June, before the end of the tenancy on 10 July and the letter from the tribunal arrived after he had moved out. A forwarding address was provided by the Tenant to the Landlord, who forwarded the tribunal's correspondence to the Tenant in July. No response was received from the Tenant following that. The tribunal's administration team has since contacted the Tenant and confirmed the Tenant's forwarding address for future correspondence.
8. With regard to the ventilation system the tribunal was satisfied on the basis of the documentation produced by the Landlord that the required works had been completed.
9. With regard to the sliding door / window, the tribunal determined that the photographs produced by the Landlord were insufficient to demonstrate that the sliding door / window was fully operational and decided that documentation should be requested relative to the repairs to door / window, with the possibility of a re-inspection by the tribunal in the event that such documentation was not produced or was insufficient to demonstrate that works were complete. The tribunal wrote to the Landlord requesting that the Landlord produce documentary evidence that the sliding door/window is fully operational.

10. On 4 July the Landlord produced documentary evidence from Specialist Façade Services Limited relative to the sliding door. The report confirmed that engineers from the company attended at the House on 12 June 2017 at the request of the property factors and removed the door, removed the old defective rollers, replaced them with new ones, lubricated them for ease of use and adjusted the rail to ensure the continued smooth operation of the door. The company confirmed that the door is now fully operational and functioning as intended.
11. On the basis of the documentation submitted by the Landlord the tribunal was satisfied that the works had been completed without the necessity of a re-inspection of the House. On 14 August 2017 the tribunal issued a Certificate of Completion of Work under Section 60 of the 2006 Act and discharged the RSEO.
12. On 14 August 2017 the tribunal also issued a letter to the Landlord granting consent to the Landlord in terms of Section 28(6) of the 2006 Act to enter into a tenancy or occupancy arrangement for the House with immediate effect to enable the Landlord to re-let the property pending discharge of the RSEO on the title sheet by Registers of Scotland.

### **Right of Appeal**

13. **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.**

### **Effect of section 63**

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

Signed **S Tanner** ..... Susanne L M Tanner, Queen's Counsel,  
Legal Member and Chairperson of the tribunal

Date 14 August 2017