

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/RT/16/0259

Title Number: ELN1941

**1c Hawthorn Road, Prestonpans, EH32 9QW
("the Property")**

The Parties:-

**East Lothian Council, John Muir House, Haddington, EH41 3HA
(represented by Mr Ewan Ritchie, Licensing Team Leader)
("the Third Party Applicant")**

**Ms Nicola Gardner, residing at the Property
("the Tenant")**

**Mr Mohammed Tariq, 322 Albert Drive, Glasgow, G41 5DZ
("the Landlord")**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), hereby certifies that the works required by the Repairing Standard Enforcement Order relative to the Property dated 4 April 2017 and served following a decision of the Tribunal on 29 March 2017 have been completed. Accordingly, the said Repairing Standard Enforcement Notice 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 may 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 Maurice O'Carroll, Advocate, Advocates Library, Parliament House, Edinburgh EH1 1RF, Legal Member and Chair of the Tribunal at Edinburgh on the 25th day of July 2017 before this witness.

M O'Carroll

Signed ...!
Maurice O'Carroll, Legal Member

Date: 25 July 2017

T Whitelaw

..... witness:

Tracy Whitelaw
Advocates Clerk

Advocates' Library
Parliament House
Edinburgh, EH1 1RF

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement relative to the Certificate of Completion issued by the Tribunal in terms of section 60 of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RT/16/0259

Title Number: ELN1941

**1c Hawthorn Road, Prestonpans, EH32 9QW
("the Property")**

The Parties:-

**East Lothian Council, John Muir House, Haddington, EH41 3HA
(represented by Mr Ewan Ritchie, Licensing Team Leader)
("the Third Party Applicant")**

**Ms Nicola Gardner, residing at the Property
("the Tenant")**

**Mr Mohammed Tariq, 322 Albert Drive, Glasgow, G41 5DZ
("the Landlord")**

The Tribunal comprised:
Mr Maurice O'Carroll (Legal Member and Chair)
Mr David Lawrie (Ordinary Member) (Surveyor)

Decision

The Tribunal having made such enquiries as was appropriate for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") relative to the Property and taking into account subsequent inspections by the Ordinary Member, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

1. By decision dated 29 March 2017, the Tribunal issued a determination that the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. On 4 April 2017, the Tribunal issued an RSEO. The RSEO required the Landlord to:
 - (a) Obtain an up to date Electrical Installation Condition Report ("EICR") from a suitably qualified and reputable electrician in

- standard industry format containing no C1 or C2 recommendations in respect of the Property;
- (b) Implement any and all recommendations contained within the said EICR.
 - (c) Provide the Tribunal with a full and complete copy of the said EICR and a note of the identify and qualifications of the electrician who has carried out said Report.
 - (d) Obtain an up to date Gas Safety Certificate in respect of the Property carried out by a currently registered Gas Safe engineer.
 - (e) Provide the Tribunal with a full and complete copy of the said Gas Safety Certificate and a note of the identity and proof of registration of the Gas Safe engineer providing the said Certificate.
3. The RSEO allowed the Landlord a period of 30 days to complete the works required.
 4. On 4 May 2017, on the application of the Landlord, the Tribunal varied the RSEO by extending the date for compliance to 31 May 2017.
 5. On 19 July 2017, the Ordinary Member of the Tribunal re-inspected the Property and found that all of the requirements of the RSEO had been completed. Separately, the Landlord had produced to the Tribunal a note of the identity and qualifications of the electrician and Gas Safe engineer who had carried out the necessary works to the Property in compliance with requirements (c) and (e) of the RSEO.
 6. The Ordinary Member therefore produced a report dated 20 July 2017 which confirmed that no further works were required in respect of the RSEO. A copy of that report is appended to the present decision.
 7. In light of the above, the Tribunal was satisfied that all requirements contained within the RSEO had been carried out.

Decision

8. The Tribunal's decision was therefore to discharge the RSEO and to grant the Certificate of Completion in terms of section 60 of the Act. That decision was unanimous.

Right of Appeal

9. **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 may 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**

Effect of section 63 of the 2006 Act

10. 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 O'Carroll

Legal Member and Chair

Date: 25 July 2017



Re-inspection report

Property: 1C Hawthorn Road Prestonpans East Lothian EH32 9QW



Ref no: PRHP/RP/16/0259

Surveyor: David M Lawrie

Inspection: The property was inspected at 10.00am Wednesday 19 July 2017

Access: Nicola Gardner (Tenant) provided access, and Ewan Ritchie and Shona Grant (both East Lothian Council) were present. Neither the Landlord nor any representative were present.

Repairing Standard Enforcement Order Requirements

The Private Rented Housing Committee now requires the Landlords to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the Repairing Standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

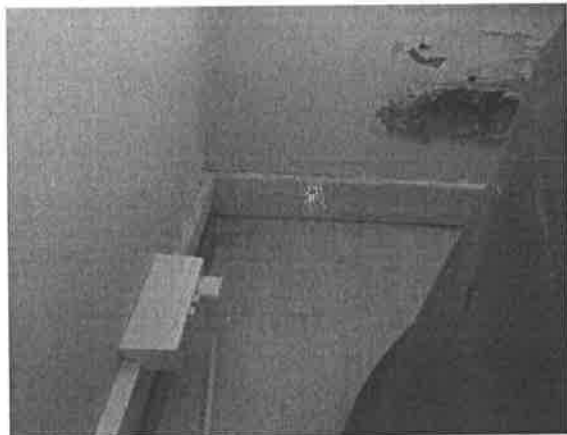
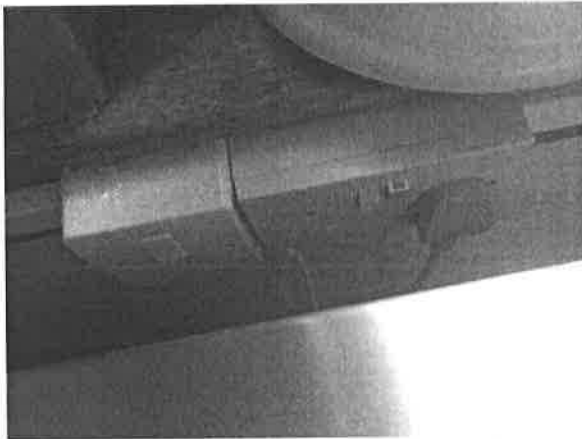
In particular the Private Rented Housing Committee requires the Landlord:-

- a. *Obtain an up to date Electrical Installation Condition Report (EICR) from a suitably qualified and reputable electrician in standard industry format containing no C1 or C2 recommendations in respect of the property.*

- b. *Implement any and all recommendations contained within the said EICR.*
- c. *Provide the Tribunal with a full and complete copy of the said EICR and a note of the identity and qualifications of the electrician who has carried out said Report.*
- d. *Obtain an up to date Gas Safety Certificate in respect of the property carried out by a currently registered Gas Safe Engineer.*
- e. *Provide the Tribunal with a full and complete copy of the said Gas Safety Certificate and a note of the identity and proof of registration of the Gas Safe Engineer providing the said Certificate.*

Works in Repairing Standard Enforcement Order completed since original inspection:

Items a. to e. of Repairing Standard Order dated 4 April 2017



New power point and trunking in kitchen New power point in Living Room

Works in Repairing Standard Enforcement Order outstanding following re-inspection:

Nil

David M Lawrie

First-tier Tribunal Surveyor Member
20 July 2017