

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the Housing and Property Chamber of the First-tier tribunal for Scotland under Sections 60 and 27(4) of the Housing (Scotland) Act 2006

Property: 59 Montgomery Street, Falkirk FK2 9BN

Title Number: STG6191

Chamber Ref: PRHP/FK2/150/10

Parties:

Ian Green, 27 MacFarlane Crescent, Cambuslang, Glasgow G72 7GG ("the Landlord")

Janice Aitken, sometime 59 Montgomery Street, Falkirk FK2 9BN ("the Tenant")

Tribunal Members:

George Clark (Legal Member/Chair) and Lori Charles (Ordinary Member/surveyor)

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 has complied with the Repairing Standard Enforcement Order made by the Tribunal (then the Private Rented Housing Panel) on 3 February 2011, determined that the Landlord has now complied with the Order and that a Certificate of Completion of Works to that effect should be issued

Background

Following an inspection and Hearing, the Tribunal, on 3 December 2011 made a Repairing Standard Enforcement Order ("the Order"). The Order required the Landlord to complete the following within a period of six weeks from the date of service of the Order:

1. To completely overhaul the roof to ensure it is safe and in a reasonable state of repair.

2. To repair or replace all the windows and external doors to ensure they fit their frames and are made weatherproof.
3. To repair or replace the guttering and down pipes.
4. To overhaul and render the chimney stack both inside and out to ensure it can operate safely.
5. To carry out whatever work is required to ensure the central heating system is returned to a reasonable state of repair and proper working order.
6. To replace and/or repair the kitchen tap, the work surface and the floor covering in the kitchen.
7. To provide hard-wired smoke alarms throughout the house.

On 28 September 2011, the Tribunal therefore made a Failure to Comply Decision, which was intimated to the local authority and to Police Scotland.

In connection with a separate application to the Tribunal, the Tribunal reinspected the house on the morning of 20 June 2022 and noted the following:

- A new roof has been fitted. This had been confirmed by the present tenant at an inspection on 10 December 2019.
- The chimney appears to be in working order. The present tenant confirmed at the Reinspection they use the coal fire, and the re-rendered chimney noted from photographs taken by the Tribunal at the Reinspection on 20 June 2022.
- Rainwater pipes and guttering appear to have been repaired/replaced alongside the roof renewal. This was confirmed by the present tenant at an inspection on 10 December 2019.
- New double-glazed windows and doors have been installed. This had been confirmed by the present tenant at the inspection on 10 December 2019.
- There is electric heating and coal fires within the property. This had been confirmed by the present tenant at an inspection 10 December 2019.
- A new kitchen has been fitted and the vinyl flooring in the kitchen has been replaced.
- There are now interlinked smoke alarms in the living room and hallway and first floor landing and a heat detector in the kitchen.

Summary of the issues

The issues to be determined were whether the Landlord had carried out the works required by the Repairing Standard Enforcement Order made on 3 December 2011.

Reasons for the Decision

The Tribunal determined that the Landlord has complied with the Repairing Standard Enforcement Order and that, in terms of Section 60 of the Act, a Certificate of Completion of Works should be issued.

The decision of the Tribunal was unanimous.

Right of Appeal

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.

Signed Date: 18 July 2022

George Clark, Legal Member/Chairperson

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

Property: 59 Montgomery Street, Falkirk FK2 9BN

Title Number: STG6191

Chamber Ref: PRHP/FK2/150/10

Parties:

Ian Green, 27 MacFarlane Crescent, Cambuslang, Glasgow G72 7GG ("the Landlotrd")

Janice Aitken, sometime 59 Montgomery Street, Falkirk FK2 9BN ("the Tenant")

Tribunal Members:

George Clark (Legal Member/Chair) and Lori Charles (Ordinary Member/surveyor)

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 made on 3 February 2011, has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

Right of Appeal

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 typewritten on this and the preceding page are executed by George Barrie Clark, Legal Member/Chair, at Lasswade on 18 July 2022 before this witness Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian.

.....

Legal Member/Chair

.....

Witness