

# 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 Reference: PRHP/RP/16/0021

Title no/Sasines Description: Title Number: ARG20217

Re Property at Flat 2, Burnside Place, Cairndow, Lochgilphead, PA24 8AQ, being part of the subjects registered in the Land Register of Scotland ("The Property")

**The Parties:-**

Mr James Madden, residing at Flat 2, Burnside Place, Cairndow, Lochgilphead, PA24 8AQ ("the Tenant")

Mr Harry Dalton, Carrgomm, having a place of business at 1A Brooklyn Place, George Street, Dunoon, Argyll, PA23 8DG ("the Tenant's Representative").

Mrs Christine MacLaren, residing at 8M Hazelden Park, Giffnock, Glasgow, G44 3HA ("the Landlord")

Messrs J B and G Forsyth, having a place of business at 79 West Regent Street, Glasgow, G2 2AS (the Landlord's agents").

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 dated 3 May 2016 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 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 type written on this page only is executed by Andrew Cowan, chairperson of the tribunal at Glasgow on 16 December 2016 before this witness:-

Signer  
Andrew Cowan, chairperson

.....

.....Witness  
Laura McManus, Secretary, 7 West George Street, Glasgow, G2 1BA

# Housing and Property Chamber First-tier Tribunal for Scotland



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

**Decision to grant a Certificate of Completion of work  
Under Section 60 of the Housing (Scotland) Act 2006 and a  
revocation of a Rent Relief Order under Section 27 of the Housing  
(Scotland) Act 2006**

Chamber Reference: PRHP/RP/16/0021

Title no/Sasines Description: Title Number: ARG20217

Re Property at Flat 2, Burnside Place, Cairndow, Lochgilphead, PA24 8AQ, being part of the subjects registered in the Land Register of Scotland ("The Property")

**The Parties:-**

Mr James Madden, residing at Flat 2, Burnside Place, Cairndow, Lochgilphead, PA24 8AQ ("the Tenant")

Mr Harry Dalton, Carrgomm, having a place of business at 1A Brooklyn Place, George Street, Dunoon, Argyll, PA23 8DG ("the Tenant's Representative").

Mrs Christine MacLaren, residing at 8M Hazelden Park, Giffnock, Glasgow, G44 3HA ("the Landlord")

Messrs J B and G Forsyth, having a place of business at 79 West Regent Street, Glasgow, G2 2AS (the Landlord's agents").

## **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal"), having made such enquiries as it saw fit for the purpose of determining whether the Landlord has complied with the terms of the Repairing Standard Enforcement Order ("RSEO") dated 3 May 2016, (varied in terms of a Notice of a Decision to Vary the RSEO dated 11 October 2016), in relation to the Property concerned determined that the Landlord has now complied with the terms of that RSEO (as varied) and that it is accordingly appropriate to grant a Certificate of Completion.

## **The tribunal:-**

Andrew Cowan – Chairperson

Kingsley Bruce – Surveyor Member

## **Background**

1. The tribunal issued a RSEO in respect of the Property dated 3 May 2016. In terms of the RSEO granted by the Tribunal, the Landlord was required to:-
  - a) Carry out such works as are necessary to the front door of the property so that it is wind and watertight, in a reasonable state of repair and capable of being reasonably secured and locked.

- (b) Renew and/or repair the current cooker so that the appliance provided by the Landlord was in a reasonable state of repair and in proper working order.
  - (c) Carry out such works as are necessary to repair the roof and ceiling at the bay window of the living room so that the property was wind and water tight.
  - (d) Carry out such works as are necessary to repaint and/or re-plaster the walls of the shower room so that the shower room is reasonably fit for human habitation.
  - (e) Obtain an Electrical Installation Condition Report in respect of the property and to thereafter carry out such works as that report may recommend as necessary to ensure that the electrical supplies within the property meet current safety standards and recommendations and are in a reasonable state of repair and in proper working order.
2. Following a re-inspection of the Property on 6 October 2016, the tribunal were satisfied that the Landlord had complied with the RSEO in relation to paragraphs a, b, c and e. The tribunal were satisfied that the Property met the repairing standard and that the works were complete in relation to these matters. At the time of the tribunal's re-inspection on 6 October 2016, the Landlord offered to carry out further repairs to the rear wall of the showerroom. The Landlord indicated that they proposed to install "wet wall" cladding to the external wall of the showerroom so that it was in a reasonable state of repair and so that the shower room was habitable. At that time, the tribunal varied the terms of the RSEO to allow the Landlord a further period of 4 weeks to complete the necessary works within the showerroom of the Property.
  3. By letter dated 2 November 2016, the Landlord wrote to the tribunal and enclosed a copy of an invoice from a building contractor which the Landlord had received following the completion of the further works to the showerroom at the Property. The Landlord further wrote to the tribunal by letter dated 18 November 2016 and confirmed that all works required by the RSEO at the Property had now been completed.
  4. By email dated 12 December 2016, the Tenant confirmed that all works required by the RSEO had been completed.
  5. In all the circumstances the tribunal are now satisfied that all necessary works to ensure that the Property meets the repairing standard have been completed and that it is appropriate to grant a Certificate of Completion.
  6. In the circumstances, the tribunal are satisfied that the requirements of the RSEO have been complied with and it is appropriate to grant a Certificate of Completion.

### **Right of Appeal**

7. 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**

8. 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.

In witness whereof these presents type written on this page and the preceding two pages are executed by Andrew Cowan, Chairperson of the tribunal at Glasgow on 16 December 2016 before this witness:-

Signe

Andrew Cowan, Chairperson

\*\*\*\*\*

.....Witness

Laura McManus, Secretary, 7 West George Street, Glasgow, G2 1BA