

Housing and Property Chamber

First-tier Tribunal for Scotland



DETERMINATION BY FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)

Statement relative to the Certificate of Completion of Work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60 of the Housing (Scotland) Act 2006

Chamber Reference: FTS/HPC/RP/23/2172

Title Number: Subjects in the County of Inverness registered under Title Number INV2333

The Parties

Ms Tania Godwin, 15A Telford Road, Inverness, IV3 8HZ (“The Former Tenant”)

Mr Patrick McLellan, 40 Ross Avenue, Inverness, IV3 5QJ (“The Landlord”)

Subjects: 15A Telford Road, Inverness, IV3 8HZ (“the Property”)

Tribunal Members

Ms H Forbes (Legal Member)

Mr A Anderson (Ordinary Member)

Background

1. Further to a decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dated 1st November 2023, the Landlord was required to comply with the Repairing Standard Enforcement Order (‘RSEO’) relative to the Property and dated 1st November 2023. The RSEO required the Landlord to:
 - Carry out such work as is necessary to eliminate the damp areas in the internal linings of the front bedroom and to redecorate the affected areas.
- The Tribunal ordered that the works specified in the RSEO must be carried out within 8 weeks from the date of service of the RSEO, which was issued on 3rd November 2023.
2. By letter dated 21st November 2023, the Landlord informed the Tribunal that the works required by the RSEO had been completed. The Landlord

submitted a series of annotated photographs, invoices for the work carried out, a copy of an EICR certificate dated 20th November 2023 and a copy of a Gas Safety Record dated 19th June 2023.

3. By email dated 23rd November 2023, the Landlord asked whether a further report was required from the surveyor who had recently carried out a home report and found the moisture readings to be satisfactory. The Tribunal indicated that it was for the Landlord to decide on the submission of evidence. No further report was forthcoming.

Decision

4. The Tribunal considered whether or not it was appropriate to find that the works required by the RSEO had been completed and whether the appropriate Certificate of Completion in terms of section 60 of the 2006 Act should be issued. The Tribunal agreed that the works required by the RSEO had been carried out.
5. In all the circumstances, the Tribunal agreed that the appropriate Certificate should be issued. The decision was unanimous.

Right of Appeal

A landlord, tenant or third party Tenant 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 62 of the 2006 Act

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

Helen Forbes
Chairperson
First Tier Tribunal for Scotland (Housing and Property Chamber)
Date: 8th December 2023

