

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement relative to 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

Case Reference Number: PRHP/RP/14/0193

Re: 7 Muirfield Road, Cumbernauld G68 0EX ("the house")

Land Register Title No: DMB35676

The Parties:-

Mr Craig Adams, formerly residing at the house ("the former tenant")

Mr Iain Ritchie and Mrs Elizabeth Ritchie, residing at the house ("the landlords")

Tribunal Members – Sarah O'Neill (Chairperson); Kingsley Bruce (Ordinary member)

1. The Private Rented Housing Committee ('the committee') issued a Repairing Standard Enforcement Order (RSEO) in respect of the house on 1 July 2015.
2. The RSEO required the landlords to:
 1. Ensure that all windows in the property are thoroughly checked by a suitably qualified contractor, and carry out all necessary repairs in order to ensure that the windows are wind and water tight and in proper working order.
 2. Repair or replace the kitchen tap in order to ensure that it is functioning correctly and is in a reasonable state of repair and in proper working order.
 3. Repair or replace the flush mechanism on the downstairs toilet in order to ensure that it is in a reasonable state of repair and in proper working order.

4. Ensure that the radiator at the back of the living/dining room is properly secured to the wall.
5. Engage a suitably qualified, and Gas Safe registered, heating engineer to:
 - i. carry out a thorough check of the heating installation within the house to ascertain whether this is working effectively
 - ii. carry out any work which is necessary to ensure that the heating installation is in a reasonable state of repair and in proper working order.

The Private Rented Housing Committee ordered that the works specified in the RSEO must be carried out and completed within the period of six weeks from the date of service of the RSEO.

3. On 20 August 2015, at the request of the landlords, the committee varied the RSEO to extend the period for the completion of the works until 21 September 2015. The surveyor member of the committee carried out a re-inspection of the property on 2 November 2015, and found that the landlords had complied with the terms of the RSEO in respect of the flush mechanism of the downstairs toilet only.
4. Following a request from the landlord for an extension of 18-24 months to carry out the repair or replacement of the windows, the surveyor member of the committee (now the ordinary member of the tribunal) carried out a further re-inspection of the property on 11 March 2016. He found that:
 - The kitchen tap had been replaced
 - The radiator in the living room was adequately secure
 - The gas fired boiler situated in the utility room had been renewed. No certification was seen,
 - No works had been undertaken to address the window repairs required.
5. The committee considered that in all the circumstances it would be reasonable to vary the RSEO to allow a further period as requested by the landlord for the completion of the window repairs/replacement. The committee accordingly varied the RSEO on 16 March 2016 to extend the period for the completion of the works for 12 months until 22 March 2017.

6. On 1 December 2016, the functions of the committee were transferred to the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal").
7. On 27 March 2017, representations were received from the landlords stating that the works had not been completed, and again requesting a variation of the RSEO to extend the time for completion of the works. They stated that they were still accumulating funds to carry out the repairs, and were awaiting the sale of a property which would release the funds to carry out the works, which should hopefully take a few months.
8. Having considered this request, and in light of the fact that the landlords themselves appeared now to be resident in the house, the tribunal again varied the RSEO on 25 April 2017 to extend the period for the completion of the works until 25 October 2017.
9. On 31 October 2017, the ordinary (surveyor) member of the tribunal attempted to re-inspect the house as arranged, but there was no-one present at the house. He was therefore unable to obtain access to the house.
10. A further re-inspection was arranged for 3 January 2018. The ordinary (surveyor) member of the tribunal obtained access in order to carry out a re-inspection on that date. His re-inspection report, including photographs which were taken during the re-inspection, is attached to this statement. He found that all windows throughout the house had now been replaced.
11. The tribunal therefore determined that the works required by the RSEO have been completed satisfactorily, and that the appropriate Certificate of Completion in terms of section 60 of the Housing (Scotland) Act 2006 should be issued.

Rights of Appeal

12. 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.
13. 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..
Sarah O'Neill, Chairperson

.....Date 18/1/18.....

Housing and Property Chamber First-tier Tribunal for Scotland



Re-inspection Report

Property: 7 Muirfield Road, Cumbernauld, G68 0EX
Ref No: PRHP/RP/14/0193

Surveyor: Kingsley K Bruce, MRICS

Access:

I re-inspected the property at 09:00 on Wednesday 3 January 2018.

The interior of the house was inspected visually, whilst standing at floor level within the various rooms, the exterior, whilst standing at ground level.

In Attendance:

My inspection was accompanied, by the Landlord/Property Owner, Mr Iain Ritchie, who was present in the property throughout my inspection.

The property was occupied, furnished and fully plenished. There was no evidence of any tenancy, the property is understood to be occupied by the owner.

Weather:

Conditions were overcast, frosty but generally dry at the time of my re-inspection.

Requirements of the Repairing Standard Enforcement Order (RSEO):

The RSEO dated 1 July 2015 required the landlord, as follows:

1. *“Ensure that all windows in the property are thoroughly checked by a suitably qualified contractor, and carry out all necessary repairs in order to ensure that the windows are wind and water tight and in proper working order.*
2. *Repair or replace the kitchen tap in order to ensure that it is functioning correctly and is in a reasonable state of repair and in proper working order.*
3. *Repair or replace the flush mechanism on the downstairs toilet in order to ensure that it is in a reasonable state of repair and in proper working order.*
4. *Ensure that the radiator at the back of the living/dining room is properly secured to the wall.*
5. *Engage a suitably qualified, and Gas Safe registered, heating engineer to:*
 - i. *carry out a thorough check of the heating installation within the house to ascertain whether this is working effectively*
 - ii. *carry out any work which is necessary to ensure that the heating installation is in a reasonable state of repair and in proper working order.*

*This is the re-inspection report dated 10 January 2018
refered to in the foregoing statement of reasons dated
17 January 2018*

S O'Neill

17/1/18

The Private Rented Housing Committee orders that the works specified in this order must be carried out and completed within the period of six weeks from the date of service of this notice."

Works required by the RSEO which have been undertaken:

A visual inspection of the property was undertaken, looking specifically at the items/areas which were subject of the application and the RSEO, as served on the Landlord.

Following earlier re-inspections the following works had been undertaken:

- The kitchen tap had been replaced
- The radiator in the living room was adequately secure
- The gas fired boiler situated in the utility room had been renewed, although no certification was seen

At the time of the re-inspection on 3 January 2018, it was noted that all windows, throughout the house have now been replaced.

Kingsley K Bruce, MRICS
Member
The First Tier-tribunal for Scotland (Housing and Property Chamber)
10 January 2018

Photographs taken during re-inspection on 3 January 2018 below:





