

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

STATEMENT OF DECISION UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006

In connection with

CHAMBER REFERENCE FTS/HPC/RP/17/0231

Re: Property at Flat 18C Springvale Place, Saltcoats KA21 5LS described in Land Certificate Title Number AYR 86791 (hereinafter referred to as “the house”)

The Party

Mr. Alan Buchanan and Mrs. Katrina Buchanan, 7 Knockrivoch Wynd, Ardrossan (represented by agents, Cunninghame Properties Ltd. 22 Chapelwell Street, Saltcoats) (“the Landlord”)

Tribunal Members: Mrs. Aileen Devanny (Chamber President and Legal Member); Mrs. Sara Hesp (Ordinary Member (surveyor) of the First-tier Tribunal);

DECISION

The First-tier Tribunal for Scotland sitting in the Housing and Property Chamber (“the Tribunal”), having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (hereinafter referred to as “the RSEO”) in relation to the house concerned, and taking account of the findings at the inspection of the property on 12 April 2018 and information contained in a Gas Safety Certificate produced on that date by the Landlord, the Tribunal considered that the Landlord had satisfactorily completed the works detailed in the RSEO and decided to issue a certificate of completion of works in terms of Section 60 of the Act.

Background

1. Reference is made to the Statement of Decision of the First-tier Tribunal dated 27 August 2017 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Act and the RSEO made by the First-tier Tribunal which required the Landlord to carry out works as specified therein, the said works to be

carried out and completed within a period of two months from the date of service of the Notice of the RSEO.

2. Re-inspections were arranged for 10 January and 28 February 2018 but did not proceed for various reasons which are not relevant to this determination.

3. The Tribunal inspected the house on 12 April 2018 to ascertain if the works in the RSEO had been completed.

The inspection revealed that the windows in the living room, front and rear bedrooms have been replaced with new PVC double glazed windows with trickle vents; and the gutters to the front and rear of the house have been cleaned and vegetation removed. The Tribunal considers that all works required in parts (a) and (b) of the RSEO have been completed to a satisfactory standard. The Tribunal also considered the contents of the Gas Safety Certificate dated 21 December 2017 produced by the Landlord at the inspection which confirmed that the central heating boiler had been inspected by a Gas Safe Registered Engineer and is in a reasonable state of repair and in proper working order. The Tribunal considers that a certificate of completion should be issued in terms of Section 60 of the Act. The members of the Tribunal were unanimous in their decision. The schedule of photographs taken at the re-inspection is attached along with a copy of the Gas Safety Certificate dated 21 December 2017 which applies to the gas central heating boiler.

As a matter of observation the Tribunal notes that the house has now a carbon monoxide alarm fitted above the cupboard which contains the gas boiler; and there is a hardwired smoke detector in each of the living room and hall with a heat detector in the kitchen.

APPEAL PROVISIONS

A Landlord 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.

Aileen Devanny

Chamber President and Legal Member,
15 April 2018