

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certification that the work required by a Repairing Standard Enforcement Order has been completed: Housing (Scotland) Act 2006, Section 60

Chamber Ref: PRHP/RP/16/0331

286B London Road, Glasgow, G40 1PT

("The Property")

The Parties:-

Miss Jacqueline Hendry, Mr Thomas McPhee, residing together at 286B London Road, Glasgow, G40 1PT

("the Tenants")

Gareth Bruce, Flat 3/2, 10 Wood Street, Dennistoun, Glasgow, G31 3BY

("the Landlord")

Tribunal Members:

Adrian Stalker (Chairman) and Mike Links (Ordinary Member)

The First-tier tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") having so determined on 9 November 2017, hereby grants certification that the work required by the **Repairing Standard Enforcement Order** of 23 January 2017 relative to the property has been completed, with effect from the date of service of this Certificate, and the relative decision. 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 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 type written on this and the preceding page are executed by Adrian Stalker, advocate, Advocates Library, Parliament House, chairperson of the tribunal at Glasgow on 10 November 2017, before this witness:-

witness

Adrian Stalker

JULIE MCANULTY name in full

1 ATLANTIC QUAY Address

45 ROBERTSON STREET
GLASGOW

G2 8JB

Housing and Property Chamber First-tier Tribunal for Scotland



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

Statement of Decision to Certify that the work required by a Repairing Standard Enforcement Order has been completed: Housing (Scotland) Act 2006, Section 60

Chamber Ref: PRHP/RP/16/0331

286B London Road, Glasgow, G40 1PT

("The Property")

The Parties:-

Miss Jacqueline Hendry, Mr Thomas McPhee, residing together at 286B London Road, Glasgow, G40 1PT

("the Tenants")

Gareth Bruce, Flat 3/2, 10 Wood Street, Dennistoun, Glasgow, G31 3BY

("the Landlord")

Tribunal Members:

Adrian Stalker (Chairman) and Mike Links (Ordinary Member)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), decided to certify that the work required by the Repairing Standard Enforcement Order ("RSEO") of 23 January 2017, has been completed, with effect from the date of service of this decision, and the relative certificate under section 60.

Finding and reasons for decision

1. Reference is made to the Tribunal's determination in this case, and the RSEO.
2. The Property was re-inspected by Ordinary (Surveyor) Member on 30 March and 14 July 2017. The Tribunal had been informed, prior to the second reinspection, that the Tenants were no longer in occupation of the subjects. Reference is made to the second reinspection report of 14 July 2017. The Ordinary Member found that the fan in the bathroom was operating and that he could not detect any distasteful smells, such as cigarette smoke, in bathroom, or the flat. He made a head and shoulders roof void inspection from a hatch located in the top floor flat. He noted that the flexible flue appears to have been repaired and is attached to the roof vent. Whilst the Landlord has not obtained a report as required under the terms of the RSEO, the Landlord's tradesman appears to have identified the cause of the foul smells filtering back to the subject property and thereafter re-instated the flue so that all odours are

now discharged through the roof ridge vent. The Ordinary Member therefore concluded that necessary remedial work envisaged by the RSEO has been completed.

3. Accordingly, the Tribunal decided to certify that the work required by the RSEO has been completed. The section 60 Certificate is referred to for its terms.

4. The decision of the Tribunal was unanimous.

5. In terms of section 63 of the Housing (Scotland) Act 2006, this decision, and the variation, have effect from the date on which it is served.

6. 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.

7. 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.

Adrian Stalker

Signed

Date 9 November 2017

Chairman