

**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 Ref: PRHP/RP/16/0194**

**Title Number: FFE11918**

**Property at 40 Findlay Street, Rosyth, KY11 2RF  
("The Property")**

**The Parties:-**

**Ms Sharen Tallis, formerly residing at the Property  
("the Tenant")**

**Mr Ehsanel Haq Anwar, 7 Queen Margaret Fauld, Dunfermline, KY12 0UY  
("the Landlord")**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), hereby certifies that the works required by the Repairing Standard Enforcement Order relative to the House and served following a decision of the Private Rented Housing Committee on 9 July 2016 have been completed. Accordingly, the said Repairing Standard Enforcement Notice relative to the Property has been discharged**

**A landlord or tenant aggrieved by this 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**

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 and the following page are executed by Maurice O'Carroll, Advocate, Advocates Library, Parliament

House, Edinburgh EH1 1RF, Legal Member and Chair of the Tribunal at  
Edinburgh on 3 May 2018 before this witness.

**M O'Carroll**

Signed .  
Maurice O'Carroll, Legal Member

Date: 3 May 2018

**T Whitelaw**

..... witness:

TRACY WHITE LAW..... Name of witness

ADVOCATES CLERK.....Occupation

ADVOCATES LIBRARY.....Address

PARLIAMENT HOUSE  
EDINBURGH EH1 1RF

# Housing and Property Chamber First-tier Tribunal for Scotland

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**Statement relative to the Certificate of Completion issued by the Tribunal in terms of section 60 of the Housing (Scotland) Act 2006**

**Chamber Ref: PRHP/RP/16/0194**

**Title Number: FFE11918**

**Property at 40 Findlay Street, Rosyth, KY11 2RF  
("The Property")**

**The Parties:-**

**Ms Sharen Tallis, formerly residing at the Property  
("the Tenant")**

**Mr Ehsanel Haq Anwar, 7 Queen Margaret Fauld, Dunfermline, KY12 0UY  
("the Landlord")**

**Committee:**

**Mr Maurice O'Carroll (Legal Member and Chair)**

**Mr David Lawrie (Ordinary Member) (Surveyor)**

## **Decision**

**The Tribunal having made such enquiries as was appropriate for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") relative to the Property and taking into account subsequent inspections by the Ordinary Member, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.**

1. By decision dated 9 July 2016, the Tribunal's statutory predecessor, the Private Rented Housing Committee, issued a determination that the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. As required by the Act, the Tribunal thereafter issued an RSEO. The RSEO required the Landlord to:
  1. To eliminate all water ingress into the House, in particular in relation to bedrooms 1 and 2 as referred to in the Committee decision and repair all damp staining in the said bedrooms;
  2. Repair or replace all windows to the House so as to ensure that

- they are draught proof;
3. Repair or replace the front door to the House so as to eliminate draughts;
  4. Provide the Committee with a copy of an up to date Electrical Installation Condition Report containing no C2 or C3 recommendations in respect of the House.
3. The RSEO specified that these works required to be carried out and completed within four calendar months of service of the RSEO.
  4. On 20 December 2017, the RSEO was varied in order to allow the Landlord further time to carry out the works required. The date for completion of the works was extended to 31 January 2017.
  5. An interim inspection was carried out by the Ordinary Member on 6 January 2017. Items 1 and 4 of the works had not been completed at that point and the Property was occupied by a new tenant. Re-letting a property in respect of which an RSEO is in force constitutes a criminal offence.
  6. The outstanding requirements in relation to the RSEO were not completed by the Landlord by the date specified in the varied RSEO.
  7. A Failure to Comply decision was made by the Tribunal on 9 March 2017. On 29 March 2017, a Notice to the Local Authority was sent, advising it of the said failure to comply with the RSEO. Police Scotland was notified of the failure to comply with the RSEO and the re-letting of the Property while the RSEO was in force as these both constitute criminal offences.
  8. On 28 March 2018, and again on 11 and 13 April 2018, the Landlord wrote to the Tribunal to indicate that the works to the Property required by the RSEO had been completed and requesting that a further reinspection be carried out.
  9. On 27 April 2018, the Ordinary Member attended the Property and carried out a further re-inspection. He found that the first three requirements of the RSEO had been satisfied. The only outstanding matter was the provision of the Electrical Installation Condition Report showing no C2 or C3 recommendations in respect of the Property. This was supplied to the Tribunal later that day by the Landlord's agent.
  10. In light of the above, the Tribunal is satisfied that all requirements contained within the RSEO have now been carried out.

## **Decision**

11. The Tribunal's decision was therefore to discharge the RSEO and to grant the Certificate of Completion in terms of section 60 of the Act. That decision was unanimous.

## **Right of Appeal**

- 12. A landlord or tenant aggrieved by this 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 of the 2006 Act**

13. 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.

# **M O'Carroll**

Legal Member and Chair

Date: 3 May 2018

# Housing and Property Chamber First-tier Tribunal for Scotland



## Re-inspection report

**Property: 40 Findlay Street Rosyth Fife KY11 2RF**



**Ref no:** RP/16/0194

**Surveyor:** David M Lawrie

**Inspection:** The property was inspected at 10.30am Friday 27 April 2018 following up on the original re-inspection of 6 January 2017

**Access:** The property is currently vacant. The landlord's colleague, Mr Amjid Ali, provided access.

### Repairing Standard Enforcement Order Requirements

*The Private Rented Housing Committee now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.*

*In particular the Committee requires the landlord:*

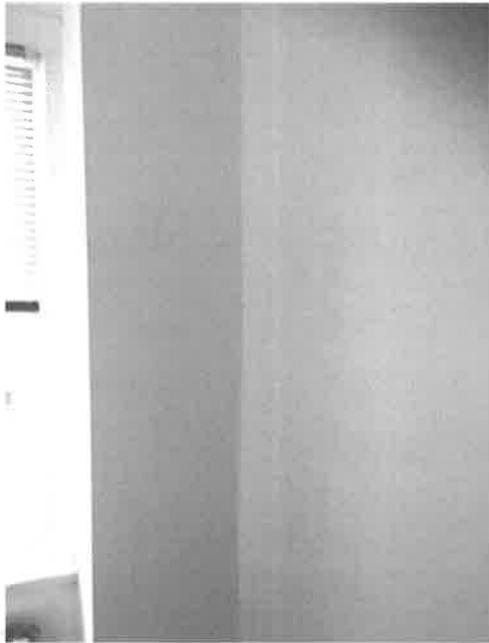
1. To eliminate all water ingress into the House, in particular in relation to bedrooms 1 and 2 as referred to in the Committee decision and repair all damp staining in the said bedrooms;
2. Repair or replace all windows to the House so as to ensure that they are draught proof;
3. Repair or replace the front door to the House so as to eliminate draughts;
4. Provide the Committee with a copy of an up to date Electrical Installation Condition Report containing no C2 or C3 recommendations in respect of the House.

*The Committee order that the works specified in this Order must be carried out and completed within four calendar months from the date of service of this Notice and for written proof of having done so to be supplied to the Private Rented Housing Panel.*

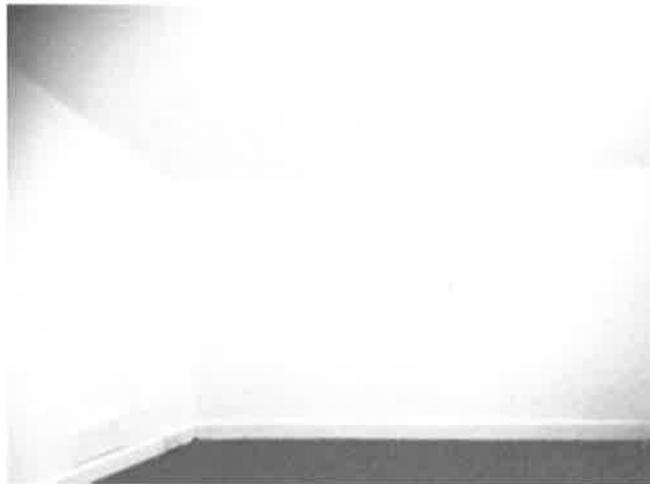
**Works in Repairing Standard Enforcement Order completed:**

Item 1 has been attended to since the previous re-inspection with roughcast repairs and new rhones evident externally and redecoration works carried out internally –





Centre bedroom



Rear bedroom

Items 2 and 3 had been attended to prior to the previous re-inspection.

**Works in Repairing Standard Enforcement Order outstanding following re-inspection:**

Item 4 – the landlord's colleague, Mr Ali indicated that a satisfactory Electrical Installation Condition Report was to be forwarded to The First Tier Tribunal (Housing and Property Chamber) Glasgow within days of the second re-inspection.

David M Lawrie  
HPC Tribunal Ordinary/Surveyor Member

30 April 2018