

# Housing and Property Chamber First-tier Tribunal for Scotland

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

**Certificate of Completion of Work under Section 60 of the Housing (Scotland) Act 2006 as amended (“the Act”)**

**Chamber Ref: PRHP/RP/16/0322**

**Land Register Title No: FFE80100**

**1, Cleish Gardens, Kirkcaldy, Fife KY2 6AA (“The Property”)**

**The Parties:-**

**Mr Karl Tonks, formerly residing at 1 Cleish Gardens, Kirkcaldy, Fife KY2 6AA (“the Tenant”)**

**Ms Jusbinder (also known as Jasbinder) Kaur, 3 Cleish Gardens, Kirkcaldy, Fife KY2 6AA (“the Landlord”)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) hereby certifies that the work required by the **Repairing Standard Enforcement Order (“RSEO”)** relative to the Property served on 1<sup>st</sup> June 2017 has been completed. 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.**

In terms of Section 63 of the Act, 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 typewritten on this and the preceding page are executed by Morag Leck, legal member of the Tribunal, at Glasgow on 23rd October 2017  
In the presence of the undernoted witness:-

**S O'Connor** ...Witness

**M Leck** Legal Member

..SINEAD O'CONNOR...Name in full

ATLANTIC QUAY

..45 ROBERTSON STREET Address

..GLASGOW, G2 8JB..

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Statement of Reasons for Certificate of Completion of Work: Housing (Scotland) Act 2006, Section 60 as amended (“the Act”)**

**Chamber Ref: PRHP/RP/16/0322**

**Land Register Title No: FFE80100**

**1, Cleish Gardens, Kirkcaldy, Fife KY2 6A (“The house”)**

**The Parties:-**

**Mr Karl Tonks, formerly residing at 1 Cleish Gardens, Kirkcaldy, Fife KY2 6AA (“the Tenant”)**

**Ms Jusbinder (also known as Jasbinder) Kaur, 3 Cleish Gardens, Kirkcaldy, Fife KY2 6AA (“the Landlord”)**

**Tribunal**

Morag Leck – Legal member and Chairperson  
Geraldine Wooley – Ordinary member

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) having made such enquiries as are appropriate for the purpose of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (RSEO) relative to the house dated 26<sup>th</sup> May 2017 determined that the Landlord has complied with the Order and that a Certificate of Completion to the effect of discharging the RSEO should be issued. The Tribunal’s decision is unanimous.

**Reasons**

1. Reference is made to the RSEO which required the Landlord to carry out the works specified therein within eight weeks from date of service of the RSEO.
2. The RSEO required the Landlord to:-
  - (a) Carry out such works as are necessary to the patio doors of the house to ensure that the doors are fully functional and secure and able to be used safely without undue strength needed to open or close them.

3. Prior to expiry of the time limit the Landlord contacted the Tribunal on 6<sup>th</sup> July 2017 to advise that the work had been completed and submitted photographs of the work carried out. Thereafter, following the expiry of the time limit, the ordinary member carried out a re-inspection of the house on 3<sup>rd</sup> August 2017 and prepared a report. A copy of the re-inspection report is annexed hereto.

4. The re-inspection on 3<sup>rd</sup> August 2017 disclosed that the works specified in the RSEO had been completed.

5. Thereafter the re-inspection report was issued to the Landlord. No written response was received.

6. The Tribunal resumed consideration of the Application and determined that in view of the terms of the re-inspection report it was not necessary to hold a further hearing, and it determined to issue a Certificate of Completion to the effect of discharging the RSEO.

### Right of Appeal

**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.

Signed ..... **M Leck** .....

Chairperson

Date ..... 11/10/17 .....

11/10/17  
This is the report  
referred to in  
the Foregas  
Decision

**Housing and Property Chamber**  
**First-tier Tribunal for Scotland**



# M Leck

## Re-inspection report



**Property:** 1 Cleish Gardens Kirkcaldy Fife KY 2 6AA  
**Ref no:** prhp/rp/16/0322  
**Surveyor :** Geraldine Wooley MRICS  
**Access:** 10.00am 3/08/17  
Weather conditions – heavy rainfall  
**Attendee:** New tenant opened door but did not give internal access.

### RSEO: works required:

“Carry out such works as are necessary to the patio doors of the house to ensure that the doors are fully functional and secure, and able to be used safely without undue strength needed to open or close them”.

### Works in RSEO undertaken:

The old sliding patio doors have been removed (photo 1) and replaced with fully functional “French window” style doors (photo 2). The doors open and close effectively and the new tenant reported that there were no problems. Given the weather conditions at the time of inspection any water ingress would have been evident.

**Works in RSEO outstanding:** all works have been completed to a satisfactory standard.

## APPENDIX – PHOTO REPORT

Photo 1: Old patio door removed



Photo 2: replacement  
"French window" style  
doors.



Photos 3a & b): replacement doors open and close effectively.



3a) Photo supplied by landlord



3b) Taken at reinspection