

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: FTS/HPC/RP/18/1782

Title No: REN2691

The Parties:-

**Ms Esther Wainaina, residing at the property, represented by Miss Fiona Brown, Shelter Scotland, 10 Falcon Crescent, Paisley, PA3 1NS
("the Tenant")**

**Amarjit Kaur Natt and Charan Kamal Singh (also known as Charan Singh), 38 Leyshade Court, Dundee, DD4 8XN
("the Landlords")**

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 26 September 2018 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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.

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."

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)

Chamber Ref: FTS/HPC/RP/18/1782

**16 Heron Way, Renfrew, PA4 0LT
("the Property")**

The Parties:-

**Ms Esther Wainaina, residing at the property, represented by Miss Fiona Brown,
Shelter Scotland, 10 Falcon Crescent, Paisley, PA3 1NS
("the Tenant")**

**Amarjit Kaur Natt and Charan Kamal Singh (also known as Charan Singh), 38
Leyshade Court, Dundee, DD4 8XN
("the Landlords")**

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlords had complied with the Repairing Standard Enforcement Order dated 18 September 2018 in respect of the property, and taking account of the written information provided by the Landlords, determined that the Landlords have complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Patricia Anne Pryce	-	Chair and Legal Member
Mike Links	-	Ordinary Member (Surveyor)

Background

1. On 18 September 2018, the tribunal issued a determination which stated that the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the Committee required the Landlords:
 - (a) To repair or replace the windows located in all three bedrooms, to ensure that it is in a reasonable state of repair and in proper working order.
 - (b) To repair or replace the single and double gang sockets located in the dining room to ensure that they are in a reasonable state of repair and in proper working order.
 - (c) To install a hard-wired and interlinked smoke detector within the living room.
 - (d) To obtain an Electrical Installation Condition Report (EICR) by a suitably qualified electrician and to carry out all works identified as required within the said report and, once all of the said necessary works have been carried out including the works in paragraph (b) and (c) above, to produce a further report by a suitably qualified and registered electrician confirming that said works have been carried out.
 - (e) To produce a Gas Safe certificate by a Gas Safe registered engineer in respect of all the gas appliances located within the property.
3. The tribunal ordered that the works specified in the RSEO were to be carried out within 6 weeks of the date of service of the Notice, that is, 8 November 2018.
4. The Ordinary Member carried out a re-inspection of the property on 28 November 2018 and a copy of his report dated 29 November 2018 is attached to this decision and referred to for its terms. After several attempts, the Landlords provided to the tribunal an EICR which complied with the terms of the RSEO.
5. Given all of the circumstances, the tribunal found that all of the works in the RSEO had taken place.
6. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Tribunal was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

P Pryce

 Chair and Legal Member

29 January 2019

Date