

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

Property: 3 Saltire Square, H5 1PR (“the Property”)

Title No: MID118503

Chamber Reference: FTS/HPC/RP/19/1515

Parties:

Mrs Ashlee Cotter, 3 Saltire Square, Edinburgh EH5 1PR (“the Tenant”)

Places for People Homes Limited, incorporated under the Industrial and Provident Act 1965 (Registered Number IP19447R) and having their Registered Office at 305 Gray’s Inn Road, London WC1X 8QR, c/o their agents, Touchstone, sometime Stanley House, Clarence Dock, Leeds LS10 1PZ and now 2 Crescent Office Park, Clarks Way, Bath BA2 2AF (“the Landlord”)

Tribunal Members – George Clark (Legal Member/Chairperson) and Robert Buchan (Ordinary Member/Surveyor)

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 made on 2 August 2019, has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

Right of Appeal

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.

In witness whereof these presents typewritten on this and the preceding page are executed by George Barrie Clark, solicitor, Lasswade, Legal Member/Chair of the tribunal at Lasswade, Midlothian on 20 January 2020 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

G Clark

_____ Legal Member/Chair

V Clark

_____ witness

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 60 of the Housing (Scotland) Act 2006

Property: 3 Saltire Square, H5 1PR (“the Property”/ “the house”)

Title No: MID118503

Chamber Reference: FTS/HPC/RP/19/1515

Mrs Ashlee Cotter, 3 Saltire Square, Edinburgh EH5 1PR (“the Tenant”)

Places for People Homes Limited, incorporated under the Industrial and Provident Act 1965 (Registered Number IP19447R) and having their Registered Office at 305 Gray’s Inn Road, London WC1X 8QR, c/o their agents, Touchstone, sometime Stanley House, Clarence Dock, Leeds LS10 1PZ and now 2 Crescent Office Park, Clarks Way, Bath BA2 2AF (“the Landlord”)

Tribunal Members – George Clark (Legal Member/Chairperson) and Robert Buchan (Ordinary Member/Surveyor)

Decision

The Tribunal determined that all the work required by the Repairing Standard Enforcement Order made on 2 August 2019 has been carried out and that a Certificate of Completion to that effect should be issued.

Background:

Following an inspection and Hearing on 2 August 2019, the First-tier Tribunal for Scotland Housing and Property Chamber (“the Tribunal”) issued a Repairing Standard Enforcement Order (RSEO) relative to the Property. The Tribunal ordered

that the works specified in the RSEO were to be carried out within three months of the date of service on the Landlord of the RSEO.

The RSEO required the Landlord “to carry out such repairs or replacement as are necessary to ensure the windows in the Property are in proper working order and are wind and watertight, lockable and capable of being opened and closed”.

On 10 December 2019, the Ordinary (surveyor) Member of the Tribunal reinspected the Property. A copy of his reinspection report is attached to and forms part of this Statement of Decision. He reported that the window which had been the subject of the Tenant’s complaint has been completely replaced. A new sliding window unit has been fitted which is openable and lockable and demonstrably wind and water tight, given the weather at the time of the reinspection.

Reasons for Decision

The Tribunal is satisfied that all the work required by the Repairing Standard Enforcement Order has been completed.

The Decision of the Tribunal is unanimous.

Right of Appeal

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.

G Clark

Signed Legal Member/Chairperson

Date 20 January 2020

This is the Re-inspection Report
referred to in the foregoing
Statement of Decision of 20/1/20
G Clark

Housing and Property Chamber
First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)
Housing (Scotland) Act 2006
Property Re-inspection Report



Property address: 3 Saltire Square, Edinburgh EH5 1PR

Chamber Reference Number: HPC/RP/19/1515

Date of re-inspection: 10th December 2019

Surveyor: R Buchan, FRICS

Circumstances of inspection: The weather was wet and windy. Full inspection was provided.

In attendance: Mr Cotter, Tracy Urquhart of Touchstone, agent for the landlord.

Repairing Standard Enforcement Order (RSEO)

An RSEO was served on the Landlord, Places for People Homes Limited, following an inspection and hearing of the Tribunal on 2nd August 2019.

The Landlord was required to carry out the following work under the terms of the RSEO:-

"To carry out such repairs or replacement as are necessary to ensure the windows in the property are in proper working order and are wind and watertight, lockable and capable of being opened and closed."

Works carried out

The Landlord has undertaken the following work since the inspection and hearing:

The window has been completely replaced. A new sliding window unit has been fitted which is openable and lockable. Given the relatively wild weather outside, the unit was demonstrably wind and water tight at the time of inspection

Additional note

Photographs were taken and are attached to this report.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

R Buchan



R Buchan
10th December 2019

Schedule of photographs attached to re-inspection report
3 Saltire Square, Edinburgh, EH5 1PR Ref HPC/RP/19/1515



New window on the first floor.



Interior

Schedule of photographs attached to re-inspection report
3 Saltire Square, Edinburgh, EH5 1PR Ref HPC/RP/19/1515



Openable and lockable