

# Housing and Property Chamber First-tier Tribunal for Scotland

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

**statutory successor to the Private Rented Housing Committee in terms of the Tribunals (Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016**

### **STATEMENT OF DECISION UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006 as amended ("the Act")**

**In connection with**

**Property at 10 Combfoot Cottages, Mid Calder EH53 0AD, being the subjects more particularly described in Land Certificate Title Number MID 74944 (hereinafter referred to as "the house")**

**Mr Bryan Kevin Anderson and Ms Selina Wilhelmina Rose Main ("the Landlord")**

**Reference PRHP/RP/14/0018**

**Tribunal Members: Mrs Aileen Devanny (legal member and chairperson); Mr Mike Links (ordinary member (surveyor)); Mr John Blackwood (ordinary member (housing)).**

## **DECISION**

The First-tier Tribunal for Scotland ("the Tribunal"), having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order dated 6 May 2014 and registered on 31 July 2014 (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the evidence provided by the landlord, the Tribunal considers that the Landlord has satisfactorily completed the works detailed in the RSEO and have decided to issue a certificate of completion of works in terms of Section 60 of the Act.

A Devanny

## Background

1. Reference is made to the Statement of Decision of the Tribunal issued with the RSEO on 9 May 2014 which detailed that the Landlord, Ms. Shirley Connolly, had failed to comply with the duty imposed by Section 14(1) (b) of the Act. The RSEO made by the Tribunal required the Landlord to carry out works as specified therein, the said works to be carried out and completed within a given timescale. The works were not completed within the given timescale and a decision that there had been a failure to comply with the terms of the RSEO was issued on 22 July 2015 and intimation of that decision on the local authority followed.

2. The house was sold and the Tribunal was asked to issue a certificate of completion of works by the new owners and now Landlord, Mr Bryan Kevin Anderson and Ms Selina Wilhelmina Rose Main. Normal procedure would be for the Tribunal to arrange a re-inspection of the house to verify if the works detailed in the RSEO had been completed. However, given the safety restrictions due to the pandemic, re-inspections are not currently being undertaken by the Tribunal.

3. The RSEO required the following works:

- (a) carry out such works as necessary to repair the Gas Central Heating System to ensure that it is in proper working order;
- (b) replace the Carbon Monoxide Detector and ensure that the replacement is in proper working order;
- (c) replace the seal surrounding the bath and ensure that it is watertight;
- (d) carry out repairs/replacement to the front door to ensure that it is wind and watertight;
- (e) provide the Committee with a valid Landlord's Gas Safety Certificate which relates to the system for space heating and heating water within the Property;
- (f) install a within the Property a hardwire smoke detector(s) so as to ensure that there is adequate provision for detecting fires and for giving warning in the event of fire or suspected fire and provide written evidence from a suitably qualified electrician confirming that the smoke detector(s) has been tested and found to be satisfactory for the Property;
- (g) make good any damage resulting from the remedial works carried out in accordance with this Order.

4. The Landlord produced evidence in the form of photographs and documentation to support that the works in the RSEO had been completed. A Gas Safe Certificate dated 15 February 2020 was produced. This confirms that the boiler in the bedroom passes the necessary tests. It also confirms that a CO alarm is in place and is within date. The engineer who completed the report is registered. The original electrical inspection condition report was not completed by an electrician who met the requirements of being a competent person (Section 19B (5) of the Act) and the Landlord obtained a further electrical inspection condition report dated 15 August 2020 from an electrician who met the statutory requirements of being a competent person. The Landlord produced evidence to show that the fire alarms met the current statutory requirements even although they were not hard wired. Photographs support that the works to the front door and bath have been completed to a satisfactory standard.

5. The Tribunal considers that all works required in the RSEO have been completed. The Tribunal considers that a certificate of completion should be issued in terms of Section 60 of the Act. The members of the Tribunal were unanimous in their decision.

## **APPEAL PROVISIONS**

**A Landlord 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.

# A Devanny

Mrs A Devanny /  
Chamber President and Legal Member,  
10 September 2020

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**statutory successor to the Private Rented Housing Committee in terms of the Tribunals (Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016**

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

**Property at 10 Combfoot Cottages, Mid Calder EH53 0AD, being the subjects more particularly described in Land Certificate Title Number MID 74944 (hereinafter referred to as “the house”)**

**Mr Bryan Kevin Anderson and Ms Selina Wilhelmina Rose Main (“the Landlord”)**

**Reference PRHP/RP/14/0018**

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 house dated 6 May 2014 and registered on 31 July 2014 has been completed. Accordingly, the said RSEO relative to the house is revoked.

**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.**

A Devanny

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 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 Mrs Aileen Devanny, Chamber President and Legal Member of the Tribunal, at Glasgow on the Tenth day of September, Two thousand and twenty in the presence of the undernoted witness:-

A thomson                      Witness

A Devanny

A Thomson                      name in full

Glasgow Tribunal Centre address

20 York Street

Glasgow G2 8GT