

**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: Housing (Scotland) Act 2006 Section 60**

**Chamber Ref: FTS/HPC/RP/19/1457**

**Sasines Description: Property known as and forming ALL and WHOLE 2 Clune Cottages, Dores, Inverness, IV2 6TR, more particularly described in the Disposition by Neil Fraser-Tytler dated 1 and 7 April 1997 and recorded in the General Register of Sasines for the County of Inverness on 23 April 1997.**

**2 Clune Cottages, Dores, Inverness, IV2 6TR**  
**("the Property")**

**The Parties:-**

**Mr Howard McKee and Mrs Angela McKee, residing at the property**  
**("the Tenants")**

**Mr Magnus Grant, residing at 1 Clune Cottages, Dores, Inverness, IV2 6TR**  
**("the Landlord")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') hereby certifies that the work required by the varied **Repairing Standard Enforcement Order** relative to the House dated 11<sup>th</sup> December 2019 has been completed. Accordingly, the said Repairing Standard Enforcement Order 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 Helen Forbes, solicitor, chairperson of the Tribunal at Inverness on 15<sup>th</sup> January 2020 before this witness, Anne Fearon David, Glenurquhart Road, Inverness, IV3 5NX:-

H Forbes

A F David

\_ Chairperson

\_ Witness

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **DETERMINATION BY FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)**

**Statement relative to the Certificate of Completion of work issued by the First-tier tribunal for Scotland (Housing and Property Chamber) under section 60 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/19/1457**

**Sasines Description: Property known as and forming ALL and WHOLE 2 Clune Cottages, Dores, Inverness, IV2 6TR, more particularly described in the Disposition by Neil Fraser-Tytler dated 1 and 7 April 1997 and recorded in the General Register of Sasines for the County of Inverness on 23 April 1997.**

**2 Clune Cottages, Dores, Inverness, IV2 6TR  
("the Property")**

**The Parties:-**

**Mr Howard McKee and Mrs Angela McKee, residing at the property  
("the Tenants")**

**Mr Magnus Grant, residing at 1 Clune Cottages, Dores, Inverness, IV2 6TR  
("the Landlord")**

#### **Tribunal Members**

Ms Helen Forbes (Legal Member)

Mr Angus Anderson (Ordinary Member)

#### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') unanimously determined that the works required by the Repairing Standard Enforcement Order ("RSEO") had been completed and resolved to issue a Certificate of Completion of Work.

## **Background**

1. Further to a decision of the Private Rented Housing Tribunal, consisting at that time of Ms Patricia Pryce, Legal Member, and Mr Angus Anderson, Ordinary Member, dated 5th September, 2019, the Tribunal issued a Repairing Standard Enforcement Order ("RSEO") relative to the House. The RSEO required the Landlord:
  - (a) To ensure the terminal of the immersion heater is fitted with a secure cover and to produce an Electrical Installation Condition Report that confirms that the electrical installation is satisfactory with no C1 or C2 defects noted thereon.
  - (b) To replace the damaged tiling around the wash-hand basin.
  - (c) To repair or replace all of the windows in the property to ensure that they are all in a reasonable state of repair and in proper working order.

The Committee ordered that the works specified in the RSEO must be carried out and completed within a period of 6 weeks from the date of service of the RSEO, which was 16<sup>th</sup> September 2019.

2. By email dated 23<sup>rd</sup> October 2019, the Tribunal received representations from the Landlord's representative stating that items (b) and (c) required by the RSEO had been carried out, and that item (a) was in progress. The representative provided copy invoices to confirm the position.
3. By email dated 24<sup>th</sup> October 2019, the Tribunal received representations from the Landlord's representative including further invoices and an EICR report as required at item (a) of the RSEO.
4. On 29<sup>th</sup> October 2019, the Tenants made representations to the Tribunal, stating that the immersion heater did not work correctly, that the cover was still loose and that two electrical sockets were not operational, and that one socket had been blanked off and the Tenant now had to use an extension cable.
5. On 30<sup>th</sup> October 2019, the Landlord's representative lodged representations and invoices, stating that all the work had been carried out.
6. A re-inspection of the Property was carried out on 8<sup>th</sup> November 2019. The Ordinary Member's report is annexed and signed as relative hereto. The Ordinary Member found that the works required by the RSEO had been carried out; however, a blanking plate had been fitted to the electrical socket on the chimney breast of the lounge and the socket could no longer be used.
7. The Tenant also complained that a socket in the bedroom was not working, nor was the immersion heater working correctly. The re-inspection report was

circulated to parties on 18<sup>th</sup> November 2019. Parties were given a period to 2<sup>nd</sup> December 2019 to make representations on the report.

8. By email dated 20<sup>th</sup> November 2019, the Landlord's representative submitted representations stating that the work had been carried out in compliance of the RSEO and that a Rent Relief Order should not be issued.
9. By email dated 2<sup>nd</sup> December 2019, the Tenants submitted representations stating that the RSEO had not been complied with and that a Rent Relief Order should not be issued.
10. The Tribunal considered matters. The representations from the Tenants appeared to introduce new matters relating to the exterior of the House that were not included within the last application and ensuing RSEO. These matters could not be considered by the Tribunal within the existing application, and would require to be notified anew to the Landlord before any new application is made regarding those matters. In relation to the operation of the immersion heater, the matter had been considered at the initial inspection and hearing and it was found to be satisfactory. Any subsequent fault would likewise, be required to be notified anew to the landlord.
11. Notwithstanding the production of a satisfactory EICR, the Tribunal took the view that it was not acceptable for the Landlord to blank off the socket in the living room and leave a faulty socket in the bedroom, leaving the Tenants with a lesser electrical system than they had previously. The Tribunal considered it appropriate to vary the RSEO to allow a further period for completion of the required works to 20<sup>th</sup> January 2020. The varied RSEO was dated 11<sup>th</sup> December 2019.
12. By email dated 17<sup>th</sup> December 2019, the Landlord's representative informed the Tribunal that the power had been restored to all the electrical sockets in the Property. The representative provided a copy invoice to confirm the position.
13. By email dated 19<sup>th</sup> December 2019, the Tenant confirmed that power had been restored to all the sockets in the Property. The Tenant stated that the problem with the immersion heater was ongoing and that the electrician was trying to purchase a further part for the immersion heater.
14. The Tribunal considered whether or not it was appropriate to find that the works required by the RSEO had been completed and the appropriate Certificate of Completion in terms of section 60 of the 2006 Act should be issued. The Tribunal determined the application having regard to the findings of the re-inspection and the submissions and representations from both parties. The Tribunal considered it had sufficient information on which to make a decision.

## **Right of Appeal**

**15. A landlord, tenant or third party Applicant aggrieved by the 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 62 of the 2006 Act**

16. Where such an appeal is made, the effect of the decision and 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 decisions and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

H Forbes

Chairperson  
First Tier Tribunal for Scotland (Housing and Property Chamber)  
Date: 8<sup>th</sup> January 2020

# Housing and Property Chamber First-tier Tribunal for Scotland



**Housing (Scotland) Act 2006: Re-inspection Report**

**Property: 2 Clune Cottages, Dores, Inverness, IV2 6TR**

**Chamber Reference : FTS/HPC/RP/19/1457**

**Re-inspection Date: 08/11/2019 - 12.30pm**

**Weather conditions: Cold but dry and bright, with cold, showery weather over the preceding seven days.**

**In attendance: Angela McKee, Tenant; Magnus Grant, Landlord.**

**Tribunal Member: Angus Anderson**



**Front Elevation.**

H Forbes

*This is the reinspection report dated 11<sup>th</sup> September 2019 referred to in the foregoing Determination dated 8<sup>th</sup> January 2020*

*Solicitor  
Inverness 15<sup>th</sup> January  
2020*

**Works required by the Repairing Standard Enforcement Order (RSEO):**

- (a) To ensure the terminal of the immersion heater is fitted with a secure cover and to produce an Electrical Installation Condition Report that confirms that the electrical installation is satisfactory with no C1 or C2 defects noted thereon.
- (b) To replace the damaged tiling around the wash-hand basin.
- (c) To repair or replace all of the windows in the property to ensure that they are all in a reasonable state of repair and in proper working order.

**Works in the RSEO undertaken:**

- (a) The cover over the immersion heater had been secured and prior to the re-inspection, an Electrical Installation Condition Report dated 04/09/2019 was forwarded to the Tribunal. The report confirmed that the electrical installation is satisfactory and there were no C1 or C2 defects noted thereon.
- (b) The tiling around the wash-hand basin had been replaced and there are no broken or sharp edges..
- (c) All of the windows in the property had been replaced with new UPVC framed, double glazed units. The cracked pane of glass in the rear door had been replaced.

**Observations/comment:**

Prior to the re-inspection, the tenant submitted that the brass faced socket in the living room had been replaced with a blank face plate and was no longer usable; this was seen during the re-inspection. The tenant demonstrated that a single socket in the front bedroom no longer works. The tenant had also submitted that the immersion heater did not work properly. At the re-inspection, the illuminated switch adjacent to the immersion heater indicated power was connected. The landlord stated that the electrician would be returning next week to address these issues. Prior to the re-inspection, the landlord had submitted invoices in respect of the electrical check, window decorations and tiling.

This report will be distributed to the parties and their representatives for their comment. The report and comments received will be referred to the Tribunal for consideration and further action.

**Photographs were taken on the day of inspection and are attached.**

Angus Anderson, MRICS; Date of report: 11/11/2019.

# Housing and Property Chamber First-tier Tribunal for Scotland



**Housing (Scotland) Act 2006**

**2 Clune Cottages, Dores, Inverness, IV2 6TR**

**Chamber Reference : FTS/HPC/RP/19/1457**

**Re-Initial Inspection : Schedule of Photographs**

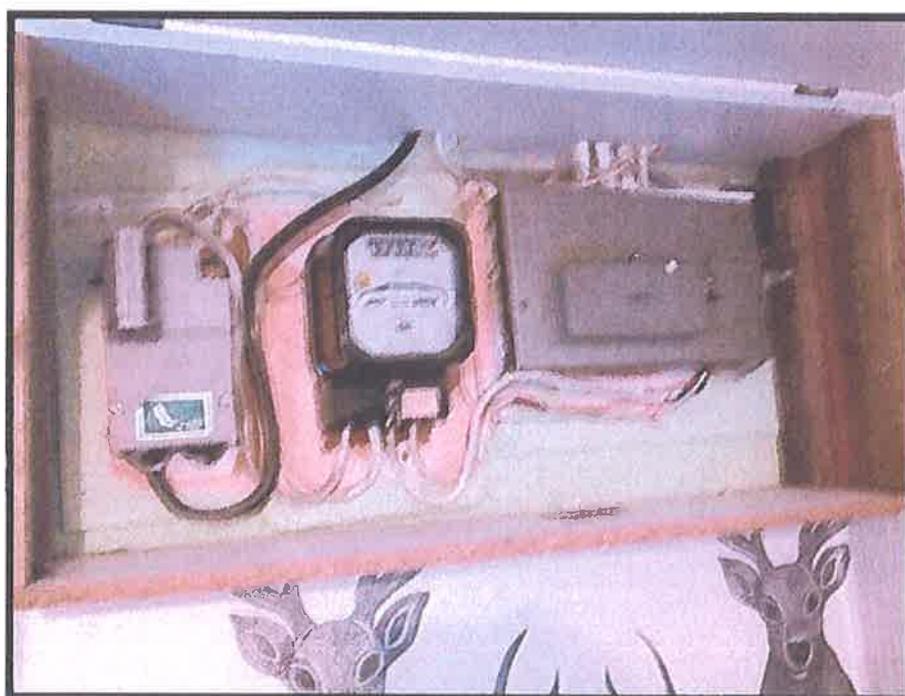
**Inspection Date: 05/09/2019**



**Photograph 1 Front Elevation**



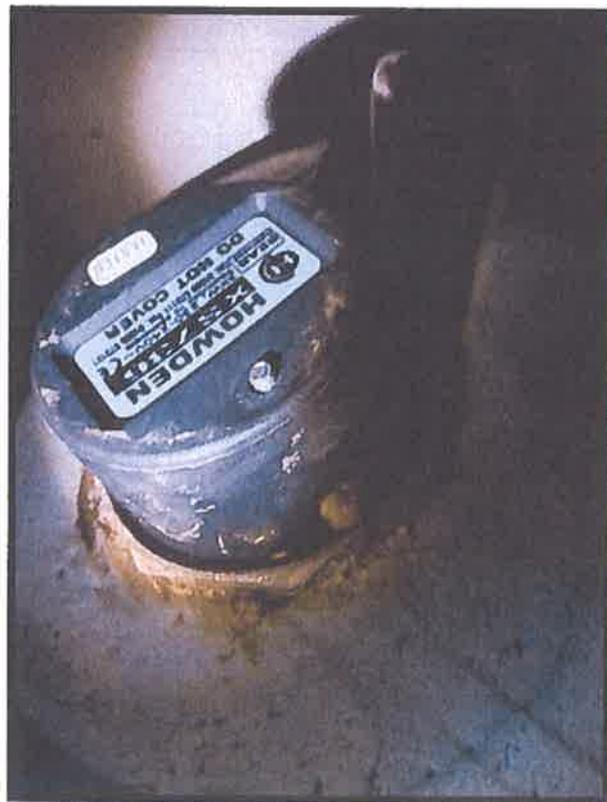
Photograph 2 Living Room Smoke Alarm, typical of those present.



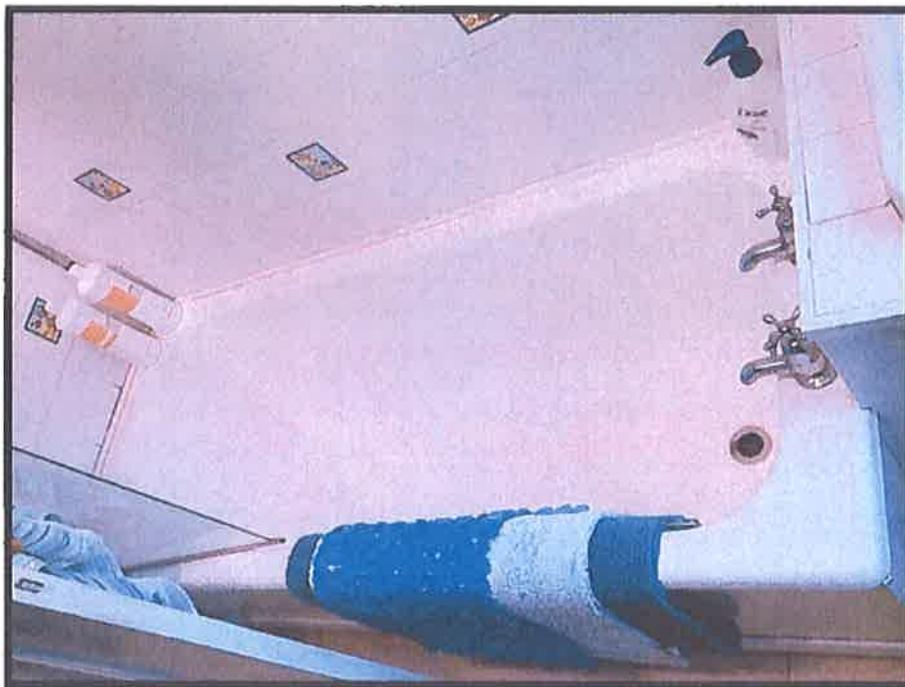
Photograph 3 Electrical Switchgear.



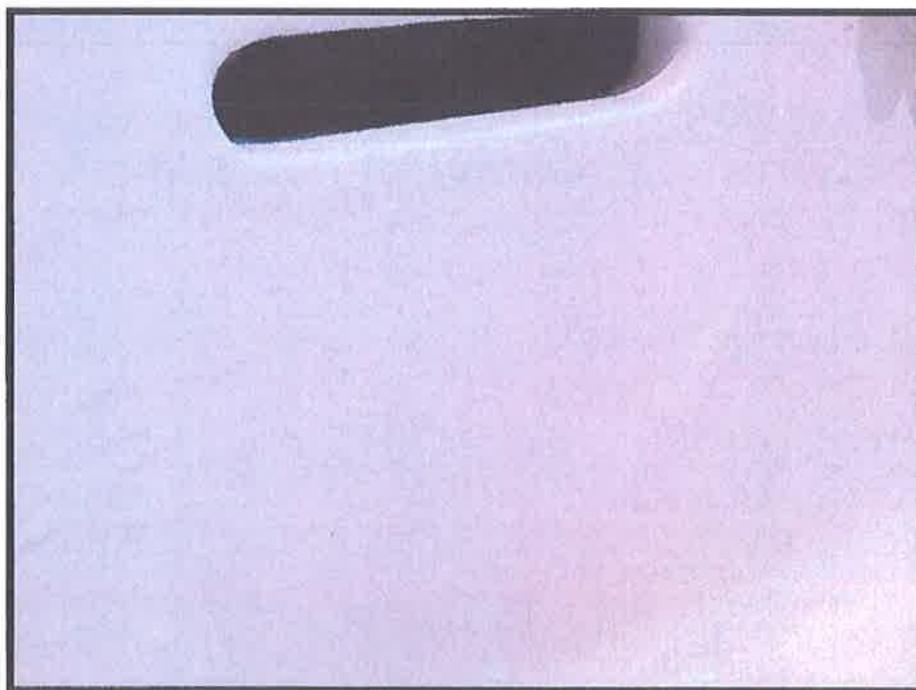
Photograph 4 Hot water cylinder within front bedroom.



Photograph 5 Insecure immersion cover.



Photograph 6 Bath.



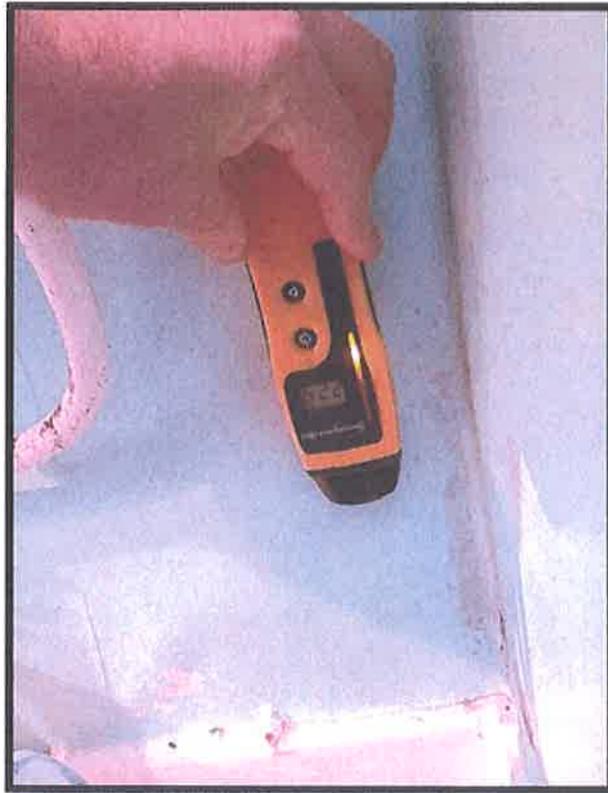
Photograph 7- Hairline crack to wash-hand basin.



Photograph 8 Cracked tiles around wash-hand basin.



Photograph 9 WC.



Photograph 10 Bathroom wall - moisture meter reading 22%, amber



Photograph 11 Front Bedroom window - decay to sill.



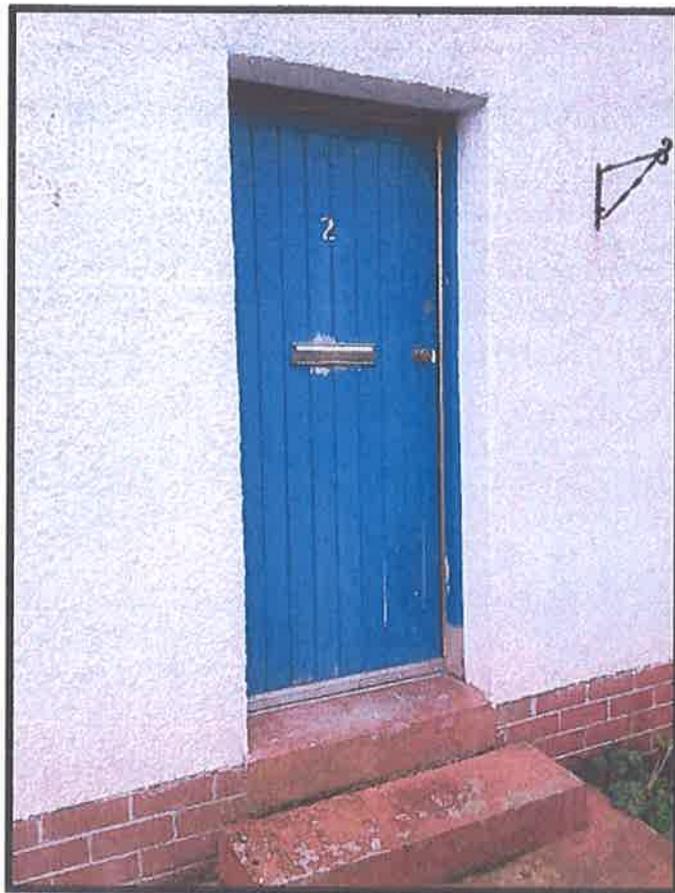
Photograph 12 Rear double bedroom window - broken sash cord.



Photograph 13 Stair window - missing putty.



Photograph 14 Cracked pane to rear door window.



Photograph 15 - Front door.



Photograph 16 - Rear elevation.

