

**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/RT/19/0583

Sasines Description: The right hand or northerly house on the first floor above ground floor of tenement 25 Benvie Road, Dundee referred to in the Disposition to William Underwood, recorded GRS Angus 13 January 1977.

**Flat 1/2 25 Benvie Road, Dundee DD2 2PD
("The Property")**

The Parties:-

**Dundee City Council, Private Sector Services Unit, 3 City Square, Dundee DD1
3BA
("the Third Party Applicant")**

**Miss Elaine Clark, Flat 1/2 , 25 Benvie Road, Dundee DD2 2PD
("the Tenant")**

**Matthew Properties, Mr Melville Matthew and Mrs Margaret Matthew, Quarry
Cottage, Main Street, Inchtute, Perthshire PH14 9RN
("the Landlords")**

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 dated 17 May 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 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.

In witness whereof these presents type written on this and the preceding page are executed by Graham Harding, solicitor, 20 York Street Glasgow, chairperson of the tribunal at Perth on 27 August 2019 before this witness:-


G Harding

V Spendiff

_____ witness

Chairperson

VICTORIA SPENDIFF name in full

22 THE ESPLANADE Address

Broughtny Ferry

DD5 2EN

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) 5th

Decision: Housing (Scotland) Act 2006 (“the 2006 Act”), Section 60

Chamber Ref: FTS/HPC/RT/19/0583

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 (“the Tenant”)**

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 (“the Landlords”)**

Tribunal Members

**Graham Harding (Legal Member)
 Mike Links (Ordinary Member)**

DECISION

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’), having taken account of the findings of the re-inspection on 22 July 2019 together with the reasons for the Decision of the Tribunal and the Repairing Standard Enforcement Order served on the Landlord and dated 17 May 2019 determined that the Landlord has complied with the said Repairing Standard Enforcement Order.
2. The Tribunal issued a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006.
3. The Decision of the Tribunal was unanimous.

Findings in Fact

4. The Landlord has satisfactorily replaced the living room windows with new double-glazed windows.
5. The Landlord has installed a new double-glazed window in the rear bedroom.
6. The Landlord has exhibited a compliant Gas Safety Certificate.
7. The house meets the repairing standard as specified in Section 13 of the 2006 Act.

Reasons for Decision

8. Reference is made to the full terms of (i) the Decision of the Tribunal and (ii) the Repairing Standard Enforcement Order both served on the Landlord and dated 17 May 2019.
9. Following the re-inspection of the property on 22 July 2019 by the Ordinary Member of the Tribunal it appeared that all of the works specified in the RSEO have been completed. The Tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act on that basis.

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.

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 Harding

Graham Harding
Legal Member and Chairperson

Date 27 August 2019

Housing and Property Chamber First-tier Tribunal for Scotland



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

RE-INSPECTION REPORT



PROPERTY: Flat 1/2, 25 Benvie Road, Dundee DD2 2PD

HPC REF No: FTS/HPC/RT/19/0583

SURVEYOR: Mike Links

IN ATTENDANCE: Miss Elaine Clark (Tenant), Mr M Matthew (Landlord),
Duncan Millar (Clerk to the Tribunal)

WEATHER: Overcast and dry.

ACCESS: I re-inspected the property on Monday, 22nd July 2019 at 10am.

RSEO:

The following works are required by the RSEO following on from the Inspection and Hearing on 7th May 2019.

- (a) To replace the living room windows with new double glazed windows.
- (b) To repair or replace the rear bedroom window.
- (c) To exhibit a current Gas safety Certificate in respect of the property carried out and signed by a registered Gas safe Engineer.

WORKS IN RSEO UNDERTAKEN:

- (a) The Living Room window has been replaced satisfactorily.



- (b) A new double glazed upvc window has been installed in the rear bedroom.



- (c) A compliant Gas Safety Certificate has been exhibited

WORKS IN RSEO OUTSTANDING: None

RECOMMENDATION:

Once the re-inspection report is forwarded to the Landlord, Third Party and Tenant for comment the Tribunal will then decide what further action is required.

Mr M Links

Ordinary Member (Surveyor)

Housing and Property Chamber

Date: 22nd July 2019