

Housing and Property Chamber First-tier Tribunal for Scotland



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

Certificate of Completion of Work under Section 60 (5) (b) of the Housing (Scotland) Act 2006

prhp ref: RP/16/0036

Re 22 Lamont Crescent, Cumnock, East Ayrshire, KA18 3DU being the subjects registered in the Land Register of Scotland under title number AYR50809 ('the Property')

The Parties:-

Ms Charlene E. Ogg, residing at the Property ("The Tenant")

Mr Ian Urquhart, residing at 63 Brewland Street, Galston, East Ayrshire and Mr Scott Urquhart, residing at 74 Dolphin Drive, Long Bay, St Philip, Barbados ("The Landlord")

Certificate of Completion

The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 26th April 2016 has been completed. Accordingly the said Repairing Standard Enforcement is 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.

These presents signed at Kilwinning on 20th March 2017 by Martin J. McAllister, Solicitor, Legal Member of the Housing and Property Chamber of the First-tier Tribunal for Scotland before Nicola Kelly, 83 Main Street, Kilwinning KA13 6AN.

N. Kelly

M. McAllister

Housing and Property Chamber First-tier Tribunal for Scotland



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

Determination: Statement relative to Certificate of Completion of work issued under Section 60 of the Housing (Scotland) Act 2006 (the 2006 Act).

prhp ref: RP/16/0036

Re 22 Lamont Crescent, Cumnock, East Ayrshire, KA18 3DU being the subjects registered in the Land Register of Scotland under title number AYR50809 ('the Property')

The Parties:-

Ms Charlene E. Ogg, residing at the Property ("The Tenant")

Mr Ian Urquhart, residing at 63 Brewland Street, Galston, East Ayrshire and Mr Scott Urquhart, residing at 74 Dolphin Drive, Long Bay, St Philip, Barbados ("The Landlord")

Members of the tribunal: Martin J. McAllister, solicitor, legal member and Carol Jones, surveyor, ordinary member.

Decision:

The tribunal determined that a certificate of completion be issued in terms of Section 60 of the Act

Background:

1. On 26th April 2016 a private rented housing committee made a repairing standard enforcement order (RSEO) in respect of the House. The members of the committee were Martin J. McAllister, solicitor, Chairman and George Campbell, surveyor.
2. The tenancy of the House has been lawfully terminated.
3. On 1st December 2016 the Housing and Property Chamber assumed responsibility for the application. The members of the tribunal dealing with the application are Martin J. McAllister, solicitor, legal member and Carol Jones, surveyor, ordinary member.

4. The RSEO was in the following terms:

a) **The Landlord requires to provide a suitable heating system for the Property including a gas fire in the living room and provide to the Committee a certificate from a suitable qualified Gas Safe Registered Engineer confirming that the system is effective and safe.**

(Section 13 (1) (c) of the Act).

b) **The Landlord requires to repair the fence at the front of the Property.**

(Section 13 (1) (b) of the Act).

c) **The Landlord requires to ensure that heat and smoke alarms comply with the requirements of the revised Domestic Technical Handbook issued by Scottish Government's Building Standards Division (Technical Handbooks 2013:- Domestic-Fire)**

(Section 13 (1) (f) of the Act).

d) **The Landlord requires to install the replacement French doors between the living room and the kitchen, repair the door between the living room and the hall and ensure that the meter cupboard door can be closed securely.**

(Section 13 (1) (b) of the Act).

e) **The Landlord requires to produce to the Committee a Portable Appliance Testing Report in acceptable terms in respect of any electrical appliances supplied by the Landlord.**

(Section 13 (1) (d) of the Act).

f) **The landlord requires to install a functioning carbon monoxide detector.**

(Section 13 (1) (g) of the Act).

The Committee determined the works required to be done within eight weeks of service of the repairing standard enforcement order upon the Landlord.

5. Variations of the repairing standard enforcement order were made to allow the Landlord more time to carry out the work.

6. On 7th February 2017 the ordinary member carried out a re-inspection and a copy of her report and relevant photographs is attached.

7. The report discloses that all works required by the RSEO had been completed but that a commissioning checklist for the boiler had not been exhibited. Subsequent to the re-inspection, appropriate satisfactory documentation with regard to the boiler was exhibited to the tribunal.

8. The tribunal noted that the tenancy had been lawfully terminated.

9. The tribunal considered matters, determined that it was satisfied that the work had been completed and that it was appropriate to issue the Certificate of Completion in terms of Section 60 of the 2006 Act.

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.

M. McAllister

Martin J. McAllister, Solicitor,
Legal Member of the Housing and
Property Chamber of the First-tier
Tribunal for Scotland.
20th March 2017



Re-inspection report



Date of inspection: Tuesday 7 February 2017.

Reference Number: PRHP/RP/16/0036

Property: 22 Lamont Crescent, Cumnock, East Ayrshire KA18 3DU

Surveyor: Carol L Jones MA MRICS

Previous Inspections: The subject property was inspected by a full committee of the Private Rented Housing Panel on 20 April 2016 and as a result a Repairing Standard Enforcement Order dated 26 April 2016 was served. The property was re-inspected on 8 July 2016 and again on 5 October 2016 and a Notice of Variation dated 6 October 2016 issued.

Access: The landlord Mr Ian Urquhart provided access.

Weather: Intermittent heavy rain and overcast.

In attendance: The landlord Mr Ian Urquhart attended the inspection.

Schedule of photographs taken during the re- inspection of 22 Lamont Crescent, Cumnock KA18 3DU by the ordinary member (surveyor) of the First-tier Tribunal for Scotland (Housing and Property Chamber) on the 7 February 2017.

Reference Number : PRHP/RP/16/0036



Kitchen - new gas combination boiler



Kitchen - new gas combination boiler -operating



New thermostatic valve on Living Room radiator



Kitchen - Fridge removed



Kitchen - Cooker removed

Notice of Variation of A Repairing Standard Enforcement Order (RSEO) dated 6 October 2016.

Works required:

- (a) The landlord requires to provide a suitable heating system for the property and provide to the committee a certificate from a qualified Gas Safe Registered Engineer confirming that the system is effective and safe.
- (b) The landlord requires to produce to the committee a Portable Appliance Testing Report in acceptable terms in respect of any electrical appliances supplied by the landlord.

Works in the Varied RSEO undertaken/outstanding - see attached photographs:

- (a) The landlord has installed a new gas fired combination boiler in the kitchen and all thermostatic valves have been replaced to the radiators in the property. The old gas fire and back boiler have been removed. The landlord emailed a photograph of the Gas Boiler System Commissioning Checklist relating to the new boiler on 29 November 2016, it is hard to read due to the scale/clarity of the photograph. He was asked at this re-inspection to provide a copy of the Commissioning Checklist to the committee but as far as I am aware he has not done so.
- (b) The landlord has not produced a Portable Appliance Test report because he has removed the fridge and cooker from the kitchen in the property and no longer supplies any appliances.

All photographs were taken at the re-inspection on 7 February 2017 (see schedule below).

Comments: This report will be submitted to a full committee of the First-tier Tribunal for Scotland (Housing and Property Chamber) for their decision.

**Carol L Jones MA MRICS
Ordinary Member (Surveyor)
First-tier Tribunal for Scotland (Housing and Property Chamber)**

13 February 2017