

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: PRHP/RT/16/0184

Re: Property known as ALL and WHOLE the property known as and forming 192 Deanswood Park, Livingston, EH54 8QG, part of 7.146 hectares (part of farm and lands of WESTER DECHMONT) all as more particularly described in the Deed of Declaration of Conditions by Livingston Development Corporation recorded in the General Register of Sasines for the County of West Lothian on 29 December 1980 and more particularly described in the Feu Contract containing Feu Disposition by Livingston Development Corporation in favour of Christopher Brown and Janetta Anne Morris dated 29 June 1987 and 5 January 1988 (hereinafter referred to as “the House”)

The Parties:-

Miss Roseanne Docherty (“the former Tenant”)

Ms. Tara McLaren, Homeless Prevention Team, West Lothian Council, Civic Centre, Howden Road South, Livingston, EH54 6FF (“the Third Party”)

Mr. Anwar Al-Huq, 7 Fulmar Brae, Livingston, West Lothian, EH54 6UY (“the Landlord”)

The Decision

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 served on 16 July 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been 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.

Housing and Property Chamber First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)

Chamber Ref: PRHP/RT/16/0184

Re: Property at 192 Deanswood Park, Livingston, EH54 8QG (“the Property”)

The Parties:-

Miss Roseanne Docherty (“the former Tenant”)

Ms. Tara McLaren, Homeless Prevention Team, West Lothian Council, Civic Centre, Howden Road South, Livingston, EH54 6FF (“the Third Party”)

Mr. Anwar Al-Huq, 7 Fulmar Brae, Livingston, West Lothian, EH54 6UY (“the Landlord”)

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’), having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order dated 16 July 2016 in respect of the property, and taking account of the written information provided by the Landlord, determined that the Landlord has complied with the terms of the said Repairing Standard Enforcement Order and so the Tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The Tribunal consisted of:-

Patricia Anne Pryce	-	Chair and Legal Member
Donald Woolley	-	Ordinary Member (Surveyor)

Background

1. On 16 July 2016, the Private Rented Housing Committee ("the Committee") issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.

2. The RSEO made by the Committee required the Landlord:

- (a) To investigate and repair the leak of water from the bath and to make good the decoration of the ceiling in the living room thereafter.
- (b) To repair or replace all of the doors of the cupboards in the kitchen.
- (c) To redecorate the master bedroom.

3. The Committee ordered that the works specified in the RSEO were to be carried out within 28 days of the date of service of the Notice, that is, 16 August 2016.

The jurisdiction of the PRHP was assumed by the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") on 1 December 2016

4. After further sundry procedure which included the issue by the Tribunal of a Failure to Comply decision with a Rent Relief Order, a final inspection of the property being carried out by the Ordinary Member (Surveyor) of the Tribunal on 30 April 2019. The Ordinary Member prepared a report of the inspection which is attached to this decision. The Tenant had previously vacated the property.

5. Given all of the circumstances, the Tribunal found that all of the works in the RSEO had taken place.

6. Accordingly, the Tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Tribunal was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

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.

P Pryce

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Chair and Legal Member

30 May 2019

Date