

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) (the “Tribunal”).

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

ref: RP/16/0195

Re 31 Holmlea Drive, Kilmarnock, KA1 1UX being the subjects registered in the Land Register of Scotland under title number AYR5638 (‘the Property’)

The Parties:-

Miss Lisa Hyland (The Tenant’), residing at the Property.

Mr Thomas Gordon Stevenson, 15 Parish Gardens, Symington, East Ayrshire, KA1 5SB and Mr Neil Stevenson, 18 Holly Place, Kilmarnock, KA1 2JU (‘The Landlord’).

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

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 12th July 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 4th June 2018 by Martin J. McAllister, Solicitor, Legal Member of the Housing and Property Chamber of the First-tier Tribunal for Scotland before Joanna Bingham, 83 Main Street, Kilwinning KA13 6AN.

M McAllister

J Bingham

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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

ref: RP/16/0195

Re 31 Holmlea Drive, Kilmarnock, KA1 1UX being the subjects registered in the Land Register of Scotland under title number AYR5638 ('the Property')

The Parties:-

Miss Lisa Hyland (The Tenant'), residing at the Property.

Mr Thomas Gordon Stevenson, 15 Parish Gardens, Symington, East Ayrshire, KA1 5SB and Mr Neil Stevenson, 18 Holly Place, Kilmarnock, KA1 2JU ('The Landlord').

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

Background:

1. On 12th July 2016 the Private Rented Housing Panel made a repairing standard enforcement order (RSEO) in respect of the House. The members of the Panel dealing with the matter were Martin J. McAllister, solicitor, legal member and George Campbell, surveyor, ordinary member.
2. The First-tier Tribunal for Scotland assumed responsibility for the matter and Carol Jones, surveyor, ordinary member was appointed in place of George Campbell.
3. The tenancy of the House has been lawfully terminated.

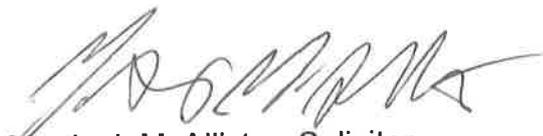
4. The RSEO was in the following terms:

**The Landlord requires to resolve the water ingress and structural defects at the rear of the Property as outlined in the Report of Prime Structural Solutions dated 17th February 2016.
(Section 13 (1) (a) and 13 (1) (b) of the Act).**

5. The repairing standard enforcement order was varied and ownership of the Property changed.
6. On 1st June 2018 the ordinary member of the tribunal inspected the House and a copy of her report with relevant photographs is attached.
7. The report discloses that the necessary works have been completed.
8. The tribunal considered matters and determined that, based on the findings of the ordinary member from her inspection on 1st June 2018 the RSEO should be discharged.
9. The tribunal considered matters and 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.



Martin J. McAllister, Solicitor,
Legal Member of the First-tier Tribunal for Scotland
4th June 2018



Re-inspection report



Date of inspection: Friday 1 June 2018

Reference Number: PRHP/RP/16/0195

Property: 31, Holmlea Drive, Kilmarnock KA1 1UX

Surveyor: Carol L Jones MA MRICS

Previous Inspections: The subject property was inspected by a full committee of the Private Rented Housing Panel on 11 July 2016 and as a result a Repairing Standard Enforcement Order dated 12 July 2016 was served. The time limit for compliance with this RSEO was extended by a Notice of Variation dated 4 November 2016 until 15 April 2017 and a limited external re-inspection was carried out on 15 May 2017 by the ordinary member of the Tribunal. No works to comply with the order had been carried out at that time.

Access: Access was provided by the new owner Mr Fergus Porter.

Weather: Very warm, humid and overcast.

In attendance: Mr Fergus Porter attended the inspection, his parents were also in the property at the time.

Schedule of photographs taken during the re- inspection of 31 Holmlea Drive, Kilmarnock KA1 1UX by the ordinary member (surveyor) of the First-tier Tribunal for Scotland (Housing and Property Chamber) on the 1 June 2018.

Reference Number : PRHP/RP/16/0195



Rear elevation showing new wall with roughcast finish



Closer view of rear elevation and re-instated living room window



External - living room window - some minor sealing work required



Internal - Living room window - slight staining from former leak/minor redecoration required



Internal - Living room window - slight staining from former leak/ minor redecoration required