

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(5)(b)('the Act')

Chamber Ref: FTS/HPC/RP/17/0331

Property at 207 Carlisle Road, Kirkmuirhill, South Lanarkshire ML11 9SB

Land Register Title Number LAN 71584

('The Property')

The Parties:

Mr Thomas Callan, former tenant of 207 Carlisle Road, Kirkmuirhill, South Lanarkshire ML11 9SB

('the Tenant')

Mrs Tracey Lochrie, 5 Tenants March, West Calder EH55 8NB

('the Landlord')

The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby Certifies that the work required by the Repairing Standard Enforcement Order ('RSEO') relative to the Property dated 24th January 2018 has been completed. Accordingly, the said Repairing Standard Enforcement Order is now 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 thirty 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.

IN WITNESS WHEREOF these presents typewritten on this page only are executed by Joseph Christopher Hughes, Solicitor Advocate, Legal Member of the Housing and Property Chamber of the First-tier Tribunal for Scotland at Glasgow on 25th May 2018 before Ian Mark McClelland, Solicitor, 1028 Tollcross Road, Glasgow.

J Hughes

Signed....

[Joseph C Hughes, Legal Chair of HPC]

I M McClelland

[Ian Mark McClelland, Witness]

Housing and Property Chamber
First-tier Tribunal for Scotland



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

STATEMENT OF REASONS for Certificate of Completion of Work

Housing (Scotland) Act 2006 Section 24(1) ('the Act')

Chamber Ref: FTS/HPC/RP/17/0331

Property at 207 Carlisle Road, Kirkmuirhill, South Lanarkshire ML11 9SB

Land Register Title Number LAN 71584

('The Property')

The Parties:

Mr Thomas Callan, former tenant of 207 Carlisle Road, Kirkmuirhill, South Lanarkshire ML11 9SB

('the Tenant')

Mrs Tracey Lochrie, 5 Tenants March, West Calder EH55 8NB

('the Landlord')

The Tribunal Members:

Joseph C Hughes (Legal Member)

Colin Hepburn (Ordinary Member/ Surveyor)

DECISION:

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having made such enquiries as it saw fit for the purpose of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ('RSEO') relative to the Property, dated 24th January 2018, and taking into account the documentation submitted to the Tribunal, determined that the Landlord has complied with the terms of the RSEO and resolved to issue a Certificate of Completion to the effect of discharging the RSEO.

The Tribunal's Decision is unanimous.

Reasons :

1. Reference is made to the RSEO which required the Landlord to carry out the works specified therein within two months from the date of service of the RSEO.
2. The RSEO required the Landlord to:-
 - (i) To install hard-wired and interlinked smoke alarms in the living room and hallway and a heat alarm in the kitchen to ensure that there is satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire;
 - (ii) To produce to the tribunal a clear Electrical Installation Condition Report (EICR) from a suitably qualified electrician confirming that the electrical installations within the property are in proper working order and comply with the relevant regulations with no items marked as Category 1 or Category 2, and a Portable Appliance Test (PAT) in respect of portable electrical appliances (if any) from a suitably qualified and registered SELECT or NICEIC electrical contractor. The Landlord is to exhibit such Reports (EICR and PAT) to the tribunal;
 - (iii) To submit to the tribunal an up to date and satisfactory Gas Safety Record from a Gas Safe registered engineer in respect of the property. This must include appropriate service of the boiler; and
 - (iv) To repair or, as necessary, replace the defective sheeting to the car port roof.
3. The Ordinary Member carried out a re-inspection of the Property on 1st May 2018 and prepared a Report dated 22nd May 2018. A copy of the re-inspection Report is annexed hereto.
4. The re-inspection visit disclosed that the works specified in the RSEO had been completed. There are no outstanding works in terms of the RSEO.
5. The Tribunal resumed consideration of the Application and determined that in view of the re-inspection Report and the supporting documentation from the Landlord, it was not necessary to hold a further hearing. The Tribunal determined to issue a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006 to the effect of discharging the said RSEO.

Right of Appeal:

6. 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 seek permission to 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.

Effect of Section 63:

7. 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. Where the Appeal is abandoned or finally determined by confirming the Decision, the Decision and the Order will be treated as having effect from the day on which the Appeal is abandoned or so determined.

J Hughes

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'Joseph Christopher Hughes'

Legal Member and Chairperson

Housing and Property Chamber

Dated 25th May 2018

Housing and Property Chamber

First-tier Tribunal for Scotland



Re-inspection report

Date of inspection: 1st May 2018

Reference Number: FTS/HPC/RP/17/0331

Property: 207 Carlisle Road, Kirkmuirhill, South Lanarkshire ML11 9SB

Surveyor: Colin F Hepburn

Access: Provided by Mrs Tracey Lochrie, the Landlord

In attendance: Mrs Tracey Lochrie, the Landlord

Repairing Standard Enforcement Order (RSEO)

Whereas in terms of their decision dated 22nd January 2018, the First Tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing Act (Scotland) Act 2006 ('the Act') and in particular the Landlord has failed to ensure that the property meets the Repairing Standard with reference to the following provisions of Section 13 of the Act, as amended:

(b) the structure and exterior of the property of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order;

(c) the installations in the property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order; and

(f) the house has satisfactory provisions for detecting fires and giving warning in the event of fire or suspected fire

Works required by the RSEO:

The tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of any work in terms of this Order is made good.

In particular the tribunal requires the Landlord:

- (i) To install hard-wired and interlinked smoke alarms in the living room and hallway and a heat alarm in the kitchen to ensure that there is satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire;**
- (ii) To produce to the tribunal a clear Electrical Installation Condition Report (EICR) from a suitably qualified electrician confirming that the electrical installations within the property are in proper working order and comply with the relevant regulations with no terms marked as Category 1 or Category 2, and a Portable Appliance test (PAT) in respect of portable electrical appliances (if any) from a suitably qualified and registered SELECT or NICEIC electrical contractor. The Landlord is to exhibit such reports (EICR and PAT) to the tribunal**
- (iii) To submit to the tribunal an up to date and satisfactory Gas Safety Record from a Gas Safe registered engineer in respect of the property. This must include appropriate service of the boiler; and**
- (iv) To repair or, as necessary, replace the defective sheeting to the car port roof.**

Works in the RSEO undertaken:

**Smoke detectors have been installed.
EICR Report and PAT testing Report provided by Landlord.
Gas Safety Report provided in respect of the boiler.
Car port roof re-clad.**

Outstanding works:

There are no outstanding works as per the RSEO.

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

Colin F Hepburn MRICS

Date of report: 22nd May 2018



