

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 AND
DISCHARGE OF RSEO: Housing (Scotland) Act 2006, Section 60

Chamber Ref: PRHP/RP/16/0186

Title no/Sasines Description: Land Register Title number MID28174

4 Edmonstone Drive, Danderhall, Dalkeith, EH22 1QQ
("The House")

The Parties:-

Miss Lynn Dewar, formerly residing at 4 Edmonstone Drive, Danderhall,
Dalkeith, EH22 1QQ
("the Tenant")

Mr William Williamson, previously residing at 1 Kintail Court, Balgeddie,
Glenrothes, Fife, KY6 3PU and now residing at 15 Craighill Gardens,
Edinburgh, EH6 4RJ and Mr Finlay Williamson residing at 15 Craighill Gardens,
Edinburgh, EH6 4RJ
("the Landlord")

represented by his agent, Forth Property Management, 40 Liberton Place,
Edinburgh, EH16 6NA

Tribunal

Susanne L M Tanner QC, (legal member and chairperson)
Mike Links, (ordinary member)

DECISION

1. The tribunal, having taken account of the re-inspection of the House and documentation submitted by the Landlord is satisfied that the work the work required by the **Repairing Standard Enforcement Order ("RSEO")** relative to the House, dated 14 December 2016, as varied on 27 February 2017 and 25 April 2017, has been completed.
2. Accordingly, the said RSEO relative to the property has been discharged.
3. The decision of the tribunal was unanimous.

REASONS

4. Reference is made to (i) the decision of the tribunal dated 14 December 2016 and the RSEO of the same date, ordering that the works specified therein had to be completed within 56 days of the date of service on the Landlord; (ii) the decision of the tribunal of 15 February 2017 and the variation of the RSEO of the 27 February 2017, extending the period within which works had to be completed by an additional 84 days; and (iii) the decision of the tribunal dated 25 April 2017 and the variation of the RSEO of the same date extending the period within which works had to be completed by an additional 84 days.
5. The said variations to the RSEO were made to accommodate the Landlord's requests for additional time in order to instruct and complete the specified works.
6. On 3 August 2017 a re-inspection of the House was carried out by the ordinary member of the tribunal. The Landlord was present at the re-inspection.
7. Following the hearing a re-inspection report dated 16 August 2017 was sent to the Landlord. The previous Tenant has now left the House so case correspondence is no longer being sent to her. The Report confirmed that all works specified in the RSEO had been completed other than the fact that the gas safety certificate previously submitted to the tribunal offices was no longer valid, having expired on 7 March 2017. However, on 14 August 2017, following correspondence with the tribunal offices relative to the same, the Landlord submitted a valid and compliant gas safety certificate prepared by a Gas Safe registered engineer.
8. Following intimation of the re-inspection report, the Landlord replied on 18 August confirming that he agreed with its findings and stated that he did not wish to attend an oral hearing and was content for the tribunal to make a decision without a hearing.
9. The tribunal, having taken account of the re-inspection of the House and documentation submitted by the Landlord is satisfied that the work the work required by the RSEO relative to the House, dated 14 December 2016, as varied on 27 February 2017 and 25 April 2017, has been completed.

Right of Appeal

10. 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.

Effect of section 63

11. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and 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.

Signed
Susanne L M Tanner, Queen's Counsel,
Legal Member and Chairperson

Date 19 September 2017

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 of the Housing (Scotland) Act 2006 as amended (“the Act”)

Chamber Ref: PRHP/RP/16/0186

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 (“The House”)**

The Parties:-

Miss Lynn Dewar, residing at 4 Edmonstone Drive, Danderhall, Dalkeith, EH22 1QQ

(“the Tenant”)

Mr William Williamson, previously residing at 1 Kintail Court, Balgeddie, Glenrothes, Fife, KY6 3PU and now residing at 15 Craighill Gardens, Edinburgh, EH6 4RJ and Mr Finlay Williamson residing at 15 Craighill Gardens, Edinburgh, EH6 4RJ

(“the Landlord”)

represented by his agent, Forth Property Management, 40 Liberton Place, Edinburgh, EH16 6NA

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) hereby certifies that the work required by the **Repairing Standard Enforcement Order (“RSEO”)** relative to the House, dated 14 December 2016, as varied on 27 February 2017 and 25 April 2017, has been completed. Accordingly, the said RSEO relative to the property has been discharged.

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.

In terms of Section 63 of the Act, 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 type written on this and the preceding page(s) are executed by Susanne L M Tanner, Queen's Counsel, legal member of the Tribunal, at GLASGOW
on 19 SEPTEMBER 2017
in the presence of the undernoted witness:-

[Redacted signature area]

Susanne L M Tanner, Q.C.
Legal member

[Redacted witness name]

witness
name in full

JULIE MCANULT

1AQ 45 ROBERTSON address

ST GLASGOW

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