

Housing and Property Chamber
First-tier Tribunal for Scotland



Certificate of completion of work

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

Under section 60 of the Housing (Scotland) Act 2006

Case Reference Number: FTS/HPC/RT/19/0765

Re: 32 Burnside Place, Carron, Falkirk FK2 8ER ("the house")

Land Register Title No: STG33168

The Parties:-

Falkirk Council, Private Sector Team, Suite 1, The Forum, Callendar Business Park, Falkirk FK1 1XR ("the third-party applicant")

Miss Kira Kerr, residing at the house ("the tenant")

Mrs Mary Wilson, residing at 3 Kersie Terrace, South Alloa FK7 7NJ and Mr Alan Wilson, 9 Johnstone Avenue, Stenhousemuir FK5 4JZ ("the landlords")

Tribunal Members – Sarah O'Neill (Legal Member) and Andrew Taylor (Ordinary Member, Surveyor)

CERTIFICATE OF COMPLETION

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 house issued by the tribunal on 29 May 2019 and varied on 7 October 2019 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the house 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.

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 printed on this and the preceding page are executed by Sarah O'Neill, solicitor, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the ninth day of January 2020 before this witness:

G Cusick

S O'Neill

_____ witness

Chairperson

GARRY CUSICK

_____ name in full

20 YORK ST.

_____ Address

GLASGOW.

G2 8AT.

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement relative to Certificate of Completion of Work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal')

Under section 60 of the Housing (Scotland) Act 2006

Case Reference Number: FTS/HPC/RT/19/0765

Re: 32 Burnside Place, Carron, Falkirk FK2 8ER ("the house")

Land Register Title No: STG33168

The Parties:-

Falkirk Council, Private Sector Team, Suite 1, The Forum, Callendar Business Park, Falkirk FK1 1XR ("the third-party applicant")

Miss Kira Kerr, formerly residing at the house ("the former tenant")

Mrs Mary Wilson, residing at 3 Kersie Terrace, South Alloa FK7 7NJ and Mr Alan Wilson, 9 Johnstone Avenue, Stenhousemuir FK5 4JZ ("the landlords")

Tribunal Members – Sarah O'Neill (Legal Member) and Andrew Taylor (Ordinary Member, Surveyor)

1. The tribunal issued a Repairing Standard Enforcement Order (RSEO) in respect of the house on 29 May 2019.
2. The RSEO required the landlords to carry out the following repairs:
 - 1) Engage a suitably qualified and Gas Safe registered heating engineer to carry out an inspection and report on the operation and effectiveness of the gas fired heating and hot water supply installation including boiler, all radiators, valves (including front bedroom radiator), programmers and thermostats and, additionally, on the living room gas fire.

- 2) Follow the recommendations of that report to ensure that the entire system is fully functioning, safe and in proper working order. On completion of the works provide a copy of the said report, any invoices for work carried out and a valid CP12 Gas Safety Certificate to the Tribunal, Third Party and Tenant.
- 3) Engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out a certificated electrical condition check (EICR) on the entire electrical installation of the property. Follow the recommendations of that report to ensure that the entire system is safe and in proper working order. Provide a copy of the EICR and any invoices for work to the Tribunal, Third Party and Tenant.
- 4) Repair or replace the Living Room and Kitchen UPVC windows so that they are capable of being properly opened and closed, have intact seals and are wind and watertight.
- 5) Replace the handle to the Front Bedroom door and ensure that it is fully functioning.
- 6) Remove mould from the walls and ceiling in the Front Bedroom cupboard, apply a mould inhibitor and redecorate the interior of the cupboard.
- 7) Provide interlinked fire detection apparatus in accordance with the Housing (Scotland) Act 2006, (Modification of the Repairing Standard) Regulations 2019 and the Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019.

The tribunal ordered that the works must be carried out and completed within the period of eight weeks from the date of service of the RSEO.

3. The ordinary (surveyor) member of the tribunal carried out a re-inspection of the house on 6 September 2019. He found that while some items in the RSEO had been completed, a number of these remained either wholly or partially outstanding.
4. On 7 October 2019, the tribunal varied the RSEO to allow the landlords further time to comply with it. The variation extended the period for the completion of the works until 19 November 2019.
5. The ordinary (surveyor) member of the tribunal carried out a re-inspection of the house on 27 November 2019. A copy of his re-inspection report dated 3 December 2019 is attached to this statement of reasons. He found that all of the outstanding works required by the RSEO had been completed. A copy of the re-inspection report was sent to both parties on 10 December 2019, asking

them to confirm by 24 December 2019 whether they agreed with the findings of the re-inspection report. No response was received from either party by the required date.

6. The tribunal therefore determined on the basis of all the evidence before it that the works required by the RSEO have been completed satisfactorily, and that the appropriate Certificate of Completion in terms of section 60 of the Act should be issued.

Rights of Appeal

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.

S O'Neill

Signed.....

Sarah O'Neill, Chairperson

.....Date.....9/1/20.



Re-Inspection Report



Property – 32 Burnside Place, Carron, Falkirk, FK2 8ER

Reference- FTS/HPC/RT/19/0765

Surveyor – Andrew Taylor, MRICS

Previous Inspections – Full Tribunal – 21st May 2019, Surveyor - 6th September 2019

Re-inspection (2) – 10.00am – 27th November 2019

Weather – Dry, overcast

In Attendance – Mrs Mary Wilson - Landlord, Ms Kate Smith, Falkirk Council, Private Sector Team,
Mr Gary Colquhoun – HPC Clerk

Purpose of Re-inspection - To establish if the work required under the Repairing Standard Enforcement Order had been completed.

RSEO – In terms of the RSEO issued on 29th May 2019 the Landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and in particular the following specific areas: -

1. Engage a suitably qualified and Gas Safe registered heating engineer to carry out an inspection and report on the operation and effectiveness of the gas fired heating and hot water supply installation including boiler, all radiators, valves (including front bedroom radiator), programmers and thermostats and, additionally, on the living room gas fire.

This is the reinspection report dated 3 December 2019 referred to in the foregoing statement of reasons

S O'Neill

9/1/20

2. Follow the recommendations of that report to ensure that the entire system is fully functioning, safe and in proper working order. On completion of the works provide a copy of the said report, any invoices for work carried out and a valid CP12 Gas Safety Certificate to the Tribunal, Third Party and Tenant.
3. Engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out a certificated electrical condition check (EICR) on the entire electrical installation of the property. Follow the recommendations of that report to ensure that the entire system is safe and in proper working order. Provide a copy of the EICR and any invoices for work to the Tribunal, Third Party and Tenant.
4. Repair or replace the Living Room and Kitchen UPVC windows so that they are capable of being properly opened and closed, have intact seals and are wind and watertight.
5. Replace the handle to the Front Bedroom door and ensure that it is fully functioning.
6. Remove mould from the walls and ceiling in the Front Bedroom cupboard, apply a mould inhibitor and redecorate the interior of the cupboard.
7. Provide interlinked fire detection apparatus in accordance with the Housing (Scotland) Act 2006, (Modification of the Repairing Standard) Regulations 2019 and the Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019.

Works In RSEO Previously Carried Out

1. The Living Room window has been repaired, is capable of being opened and closed and is wind and watertight.
2. A Gas Safety Certificate has been provided, however, the living room gas fire is not included

and no report on the operation of the system has been provided.

3. An EICR has been provided, however, this shows the installation to be Unsatisfactory.
4. Fire detection apparatus has been provided.

Further Works In RSEO Carried Out

1. Gas Safe registered engineer has serviced the installation, removed the living room gas fire, capped the gas fire supply pipe and provided a valid CP12 Gas Safety Certificate.
2. Subsequent to the inspection, the Heating Engineer, NRG Plumbing and Heating has provided a statement certifying that the heating and hot water installation is in good working order.
3. A satisfactory Electrical Installation Condition Report has been provided by a suitably qualified electrical engineer.
4. The kitchen UPVC window has been repaired so that it is capable of being properly opened and closed, and is wind and watertight.
5. The handle and latch to the Front Bedroom door has been replaced and is now fully functioning.
6. Mould on the walls and ceiling in the Front Bedroom cupboard has been eradicated and the surfaces have been redecorated

RSEO Works Outstanding

Nil

Photographs



1. Kitchen Room window – repaired.



2. Living Room – Gas fire removed and supply pipe capped



3. Bedroom door



4. Bedroom cupboard – mould eradicated and walls/ceiling redecorated.

Comments

This Report will be distributed to the Landlord and Third Party for comments and will be referred to the Tribunal of the Housing and Property Chamber, First-tier Tribunal For Scotland for their consideration and further action.

Andrew Taylor MRICS

Surveyor Member, Housing and Property Chamber, First-tier Tribunal For Scotland

3rd December 2019