

# Housing and Property Chamber First-tier Tribunal for Scotland



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

**Statement of Decision under section 26(1) of the Housing (Scotland) Act 2006  
as amended (“the Act”)**

**Chamber Ref: FTS/HPC/RP/17/0469**

**Title no: STG34628**

**Mains of Boquhan Farmhouse, Boquhan Estates, Kippen, Stirlingshire FK8 3JQ  
 (“The Property”)**

**The Parties:-**

- **Graham’s The Family Dairy (Property) Limited, Boquhan House,  
Boquhan Estate, Kippen FK8 3HY (‘the Landlord’)**

**The Tribunal comprised:-**

Ms Gabrielle Miller - Legal Member  
Mr Andrew Murray - Ordinary Member

1. **The First Tier Tribunal for Scotland (Housing & Property Chamber) (“the Tribunal”), having made such enquiries as was appropriate for determining whether the Landlord had complied with the Repairing Standard Enforcement Order (“RSEO”) in relation to the Property concerned and taking account of the subsequent re-inspection of the Property, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO**

**Statement of Reasons**

2. Reference is made to the Determination of the Tribunal dated 10<sup>th</sup> May 2018 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and to the RSEO made by the Tribunal which

required the Landlord to carry out works to ensure that the Property meets the repairing standard.

3. The Tribunal required the Landlord to carry out such work as is necessary for the purpose of ensuring that the Property concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of the Order is made good.
4. In particular, the Tribunal required the Landlord: -
  - a. To carry out sufficient works to the bio-mass boiler to allow space heating and hot water system to be operable within the Property or the installation of an alternative heating system to allow heating of the Property and hot water in the Property and to ensure that all the appropriate safety certificates are in place for the above.
  - b. To ensure that all the plumbing within the Property is operating satisfactorily in that it is working and there are no leaks within the system,
  - c. To repair and make good the missing tile and verge mortar fillet at the front of the house,
  - d. To repair and make good the plaster board to the kitchen ceiling including repairing any damage caused to the ceiling structure and make good any decoration,
  - e. To repair and make good or replace the windows to ensure that all windows are properly operable,
  - f. To repair and make good or replace the internal doors to ensure that all doors are properly operable,
  - g. To clean and repair the gutters to ensure that any water in the gutter is able to run freely and
  - h. To provide an Electrical Installation Condition Report (EICR) showing the electrical installation reaches a satisfactory standard with no C1 or C2 items reported and it to be dated after the date of the inspection by the Tribunal. The aforementioned EICR should be carried out by a suitably qualified and registered SELECT or NICEIC electrical contractor.
5. The said works were to be carried out and completed within a period of 6 months from the date of the service of the Order.
6. On 3<sup>rd</sup> July 2019, the Ordinary Member (Surveyor) of the Tribunal carried out an inspection of the Property and noted: -

- a. The biomass boiler had been repaired and it was confirmed by the Landlord's Representative that the space heating installation in the Property was operating, although it was not tested by the Tribunal member.
  - b. The damaged ceiling had been repaired.
  - c. The missing roof tile is repaired and the mortar fillets are replaced.
  - d. The guttering had been cleared of debris.
  - e. The windows are operating satisfactorily. One windowsill at first floor level is decayed; the Landlord's representative confirmed this is due for imminent replacement.
  - f. All doors tested were operating satisfactorily.
  - g. Hard wired smoke and heat detectors were installed and operating.
  - h. An EICR was provided by the Landlord's representative.
7. The Ordinary Member's inspection report with his findings was circulated to the Landlord (the only remaining party) for information purposes.
  8. The Tenant left the Property on December 2017.

9. **Decision**

The Tribunal considers the works specified in the RSEO have been substantially completed and have decided that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. The Tribunal members were unanimous in their decision.

**Rights of Appeal**

- 10. 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.**
- 11. 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.**

Chairing Legal Member of the Tribunal  
Dated: G Miller

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