

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision and Statement of Reasons: Housing (Scotland) Act 2006
Section 24

Chamber Ref: FTS/HPC/RP/19/1600

Title no: ANG84215

50 Ravenscraig Road, Dundee DD2 4ND ("The House")

The Parties:-

- Dundee City Council, Private Sector Services Unit, 5 City Square, Dundee DD1 3BA (represented by their agent (Mr Stuart Cuthill)) ("the Third Party Applicant")
- Eli Properties Limited, 129A Broughty Ferry Road, Dundee DD4 6LB ('the Landlord')

The Tribunal comprised:-

Ms Gabrielle Miller - Legal Member
Mr Mark Andrew - Ordinary Member (Surveyor)

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 29th May 2019 and issued 5th June 2019 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. This case is conjoined with FTS/HPC/RP/19/1600.
4. 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.
5. In particular, the Tribunal required the Landlord: -
 - a. To provide smoke detectors in the upstairs hall, downstairs hall and living room and a heat detector in the kitchen to ensure that the house has satisfactory provision for detecting fire and for giving warning in the event of fire or suspected fire. This should be in accordance with the Domestic Technical Handbook (revised 2016) as issued by the Scottish Government.
 - b. 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.
6. The said works were to be carried out and completed within a period of 6 weeks from the date of the service of the Order. This expired on 10th June 2019.
7. On 23rd March 2022, the Legal Member (Chair) and Ordinary Member (Surveyor) of the Tribunal carried out an inspection of the Property. Mr Kessar Salimi was present for the Landlord. The Tribunal found: -
 - a. The smoke detectors have been fitted in accordance with the Regulations; and
 - b. An ECIR has been submitted to the Tribunal. The Electrical Contractor was noted as not being a member of a recognised trade body.
8. A re-inspection Report was prepared dated 27th March 2022 and issued to the parties on 30th March 2022. A copy is attached. A recommendation was made that the RSEO could be revoked subject to confirmation from the Electrical Contractor regarding his qualifications and liability insurance cover.
9. On 25th March Mr Kasser Salimi emailed the Housing and Property Chamber attaching the appropriate qualifications certificates and insurance certificates for the Electrical Contractor.

10. A hearing was held on 31st March 2022. Mr Stuart Cuthill was present for the Third Party Applicant and Mr Kasser Salimi was present for the Landlord. The Tribunal was satisfied that the Electrical Contractor met the legal requirements. This was demonstrated by the qualification certificates and insurance certificate submitted by Mr Salimi on 25th March 2022. The Tribunal considered that all aspects of the RSEO had been completed and the RSEO was no longer required. Both Mr Cuthill and Mr Salimi were satisfied with that and made no further representations.

Decision

11. 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

12. 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.

13. 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.

G Miller

Chairing Legal Member of the Tribunal
Dated: 25th April 2022