

Housing and Property Chamber
First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)

DECISION: Housing (Scotland) Act 2006 (“the 2006 Act”), Section 60

Chamber Ref: FTS/HPC/RP/19/2899

29/2 Rannoch Place, Edinburgh, EH4 7HH (Title number MID92623) (“The Property”)

The Parties:-

Mrs Pauline Winafred Gillies, 1 Corstorphine House Terrace, Edinburgh, EH12 7AE, and 132 St John’s Road Edinburgh, EH12 8AX, formerly residing at 19 Gordon Road, Edinburgh (“the Landlord”)

Gilson Gray Lettings, Gilson Gray LLP, 29 Rutland Square, Edinburgh, EH1 2BW (“the Landlord’s Representative”)

Tribunal members

Ms Susanne L. M. Tanner Q.C., Legal Member and Chair

Mr Andrew Taylor, Ordinary Member

DECISION

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’), having taken account of the additional evidence produced by the Landlord’s Representative, determined that the Landlord has complied with the Repairing Standard Enforcement Order dated 9 March 2020, as varied, in terms of Section 26(1) of the Housing Scotland Act 2006 (hereinafter “the 2006 Act”).
2. The tribunal issued a Certificate of Completion in terms of Section 60 of the Housing Scotland Act 2006 (hereinafter “the 2006 Act”).

3. The decision of the tribunal was unanimous.

STATEMENT OF REASONS

1. On 15 April 2021, the tribunal unanimously determined that the Landlord had failed to comply with the Repairing Standard Enforcement Order dated 9 March 2020, as varied, in terms of Section 26(1) of the Housing Scotland Act 2006 (hereinafter “the 2006 Act”); and the tribunal served notice of the failure on the local authority as required by Section 26(2)(a) of the 2006 Act. Reference is made to the full terms of that decision.
2. On 4 April 2022, the Landlord’s Representative submitted an email attaching the invoices confirming that the outstanding items on the RSEO had been completed and requested that the RSEO is now lifted or for an officer to inspect to satisfy themselves ahead of the RSEO being lifted. The invoices both dated 28 March 2022 from SMJ Property Services, included “Joinery - supply and fit of kitchen base units”, “Joinery - repair of a hinge on a base unit kitchen door” and “Joinery - Box in boiler flue that passes through bedroom; and - Paint”.
3. The tribunal considered the additional evidence provided and considered that further evidence was required from the Landlord and/or her Representative and that such evidence would be considered before the tribunal decided whether a re-inspection was required. On 13 April 2022, the tribunal issued a Direction to the Landlord and her Representative to provide:

“Any photographic evidence to show:

- a. that the works to make good the Property following the installation of the boiler have been completed; in particular images showing whether the pipework in the bedroom has been boxed in and the hole in the bedroom wall has been filled; and*
 - b. that the works in the kitchen of the property to comply with order 3 the RSEO have been completed.”*
4. On 2 May 2022, the Landlord’s representative complied with the tribunal’s Direction and provided images of the kitchen cupboards, the boiler and pipework (in the hall cupboard) and a bedroom, showing boxed in pipework and re-decoration of the wall.
 5. The tribunal considered all information available to it, including the invoices and images submitted in April and May 2022. The tribunal had sufficient information to make a determination about compliance without the need for a further re-inspection.

6. The tribunal is satisfied, having considered the evidence and written representations submitted on behalf of the Landlord that the works in the RSEO have been completed, albeit after the specified timescale for compliance, as varied, of 28 February 2021 and after the tribunal decided on 15 April 2021 that the Landlord had failed to comply with the RSEO and served notice of the failure on the local authority as required by Section 26(2)(a) of the 2006 Act.
7. The tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act.

4. Right of Appeal

4.1. A party 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.

4.2. 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

Ms. Susanne L M Tanner, Queen's Counsel
Legal Member and Chairperson of the tribunal

Date 11 May 2022