

Housing and Property Chamber First-tier Tribunal for Scotland



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

Statement of reasons for issuing a Certificate of Completion of work under section 60 of the Housing (Scotland) Act 2006 (“the Act”)

Chamber Reference number: FTS/HPC/RP/19/0263

Title number: REN 59027

Re: Property at 1/1, 4 Houston Street, Renfrew, PA4 8NR (“the property”)

The Parties:

Ms Mary Jo Walsh residing at 1/1, 4 Houston Street, Renfrew, PA4 8NR, represented by Mrs Patricia Mary Rademan, Powerhouse for Life, Renfrew, PA4 8HG (“the tenant”)

Mr Vincent John Bell and Mrs Karen Angela Bell, Wright Properties Scotland Ltd. care of and represented by Robb Residential, 150 St. Vincent Street, Glasgow, 5NE (“the landlord”)

The Tribunal members: Simone Sweeney (legal chairing member) and Sara Hesp (ordinary surveyor member)

Decision of the Tribunal Chamber:

1. The Tribunal determined that the landlord has complied with the full terms of the Repairing Standard Enforcement Order (“RSEO”) of 29th April 2019.
2. The Tribunal determined that a Certificate of compliance be issued.
3. The Tribunal determined that the Rent Relief Order (“RRO”) of 6th August 2019 be revoked.
4. The decision of the Tribunal is unanimous.

Background

5. Reference is made to previous procedure and specifically to the decision of the Tribunal of 29th April 2019 in which the Tribunal determined that the landlord had

failed to comply with the duty imposed by Section 14 (1) (b) of the Act and issued an RSEO.

6. The RSEO required the landlord to:

"a) Obtain and lodge with the Tribunal an updated Domestic Electrical Installation Condition Report ("EICR") summarising its suitability for continuing use as "Satisfactory," with no C1 or C2 items reported. The EICR should be dated after this Order and it should be prepared by a suitability competent contractor accredited by one of SELECT, NAPIT or NICEIC; and

b) Fill, finish and make good the holes and channels in the ceiling and walls of the living room.

The Tribunal order that the works specified in this Order must be carried out and completed WITHIN 30 DAYS from the date of receipt of this Order."

7. A re-inspection of the property as undertaken by the surveyor member on 12th June 2019. Reference is made to the terms of the re-inspection report of 14th June 2019. It was observed by the surveyor that the holes and channels in the ceiling and walls of the living room had been filled, finished and made good. Also that redecoration had occurred.
8. It was noted by the Tribunal that, at the time of the re-inspection on 12th June 2019, an updated EICR had not been produced and that the landlord had not complied with part (a) of the RSEO therefore. The re-inspection report was issued to the parties.
9. The Tribunal issued a RRO dated 6th August 2019 reducing the rent payable by fifty percent. Reference is made to the terms of the RRO and the statement of decision of the same date. The parties were provided with copies of the RRO and statement of decision.
10. By a notice under section 26 (2) of the Act dated 10th September 2019, the Tribunal brought to the attention of the local authority that the landlord had failed to comply with the RSEO. Reference is made to the terms of the notice and statement of decision of the same date.
11. By email of 19th August 2019 the landlord's letting agent submitted an EICR dated 14th August 2019. The email and the attachment were sent to the tenant and to the Tribunal on 23rd August 2019.
12. On or around October 2019 the original chair stepped down from the Tribunal.
13. By email of 31st October 2019 the landlord's letting agent sought clarification from the Tribunal's administration on whether or not the EICR was satisfactory.

14. A new chair was appointed to the Tribunal in early November and received the papers on 8th November 2019.

EICR Findings in fact

15. The EICR (attached) is dated 14th August 2019.

16. That the EICR is dated after the date on which the RSEO was issued.

17. The EICR of 14th August 2019 was lodged with the Tribunal on 19th August 2019.

18. It is completed by a suitably competent contractor accredited by NICEIC.

19. The EICR records the inspection and testing as having been carried out on 14th August 2019.

20. The EICR records the general condition of the electrical installation at the property to be "satisfactory."

21. The EICR records the overall assessment of the electrical installation at the property to be "satisfactory."

22. The EICR records no C1 or C2 items at the property.

Reasons for decision

23. The Tribunal was satisfied that the landlord had lodged with the Tribunal an updated EICR on 19th August 2019 which post-dated the issue of the RSEO; that the EICR summarised its suitability for continuing use as "Satisfactory;" that the EICR contained no report of C1 or C2 items at the property and had been prepared and completed by a suitably competent contractor accredited by NICEIC. For these reasons the Tribunal determined that the landlord had complied with part (a) of the RSEO of 29th April 2019.

24. Taking into account the findings of the surveyor member's re-inspection report of 14th June 2019, that the holes and channels in the ceiling and walls of the living room had been filled, finished and made good, the Tribunal determines that the landlord has complied with part (b) of the RSEO of 29th April 2019.

Decision

25. The Tribunal determined that all works required by the RSEO have been completed, that the property now meets the Repairing standard and that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. Having determined that the property now meets the Repairing standard, the Tribunal determines that it is appropriate to revoke the RRO of 6th August 2019.

Appeals

26. 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 on which the decision was intimated to them.

27. 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.

Simone Sweeney

.....
Simone Sweeney, Legal Chairing Member, 27th November 2019

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



Re-inspection report



Front elevation

*This and the following
three pages is the
Re - Inspection Report
referred to in the
Statement of Decision
dated 6th August 2019*

J Hughes

Property: Flat 1/1 4 Houston Street, Renfrew PA4 8NR

Ref no: FTS/HPC/RP/19/0263

Surveyor: Sara Hesp LLB(Hons) BA(Hons) MRICS ACI Arb

Access:

I re-inspected the subject property on 12 June 2019 at 10 am. Access was provided by the tenant, Ms Mary Jo Walsh. Her friend, Gail McLoan, was also present as was the Clerk to the Tribunal, Rebecca Forbes.

FTS/HPC/RP/19/0263

1

*This and the following pages is the re-inspection report
referred to in the decision of 27th November 2019.*

Simone Sweeney

The weather was dry and cool.

Purpose of re-inspection:

The purpose of this re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order, dated 29 April 2019, had been completed. The property was originally inspected by the Tribunal on 24 April 2019 at 10 am.

Under the Repairing Standard Enforcement Order, the landlord had been required to:

- To obtain and lodge with the Tribunal an updated Domestic Electrical Installation Condition Report (EICR) summarising its suitability for continuing use as "Satisfactory", with no C1 or C2 items reported. The EICR should be dated after this Order and it should be prepared by a suitability competent contractor accredited by one of SELECT, NAPIT or NICEIC; and
- Fill, finish and make good holes and channels in the ceiling and walls of the living room.

Work completed:

- The holes and channels in the ceiling and walls of the living room have been filled, finished and made good. Redecoration has occurred.

The photographs taken during the inspection and reproduced in Appendix 1 illustrate the condition of the living room on the morning of 12 June 2019.

Outstanding matters:

- An updated Domestic Electrical Installation Condition Report (EICR) meeting the criteria specified above has not been received by the Tribunal.

Comments:

This report will be distributed to the parties and their representatives for their comment. It will be referred afterwards to the Tribunal for consideration and further action as appropriate.

Sara Hesp

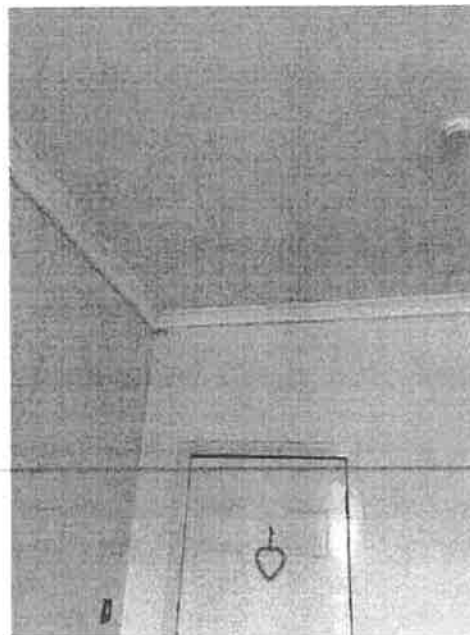
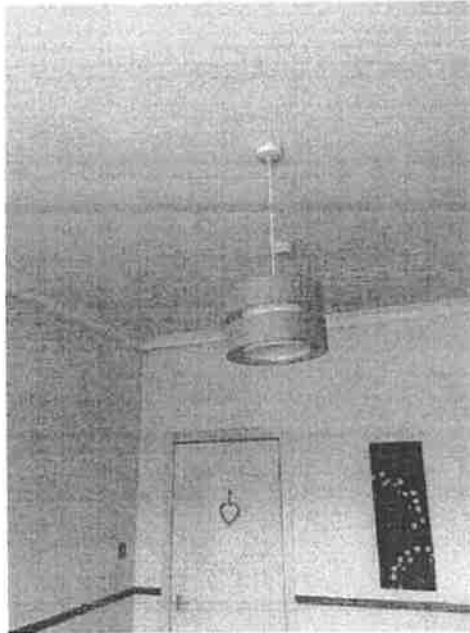
Sara Hesp
Ordinary Member
First-tier Tribunal for Scotland (Housing and Property Chamber)
14 June 2019

Simone Sweeney



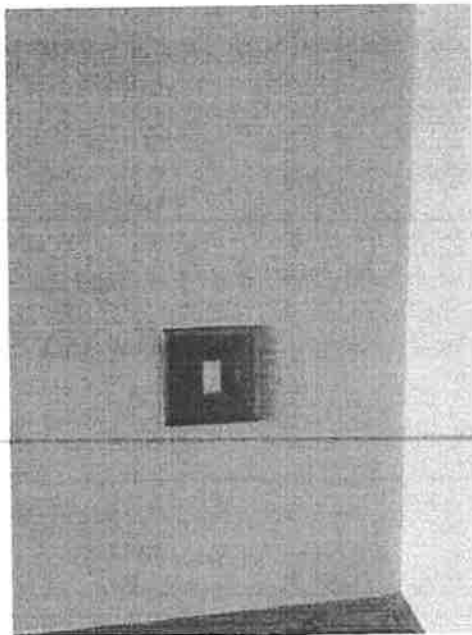
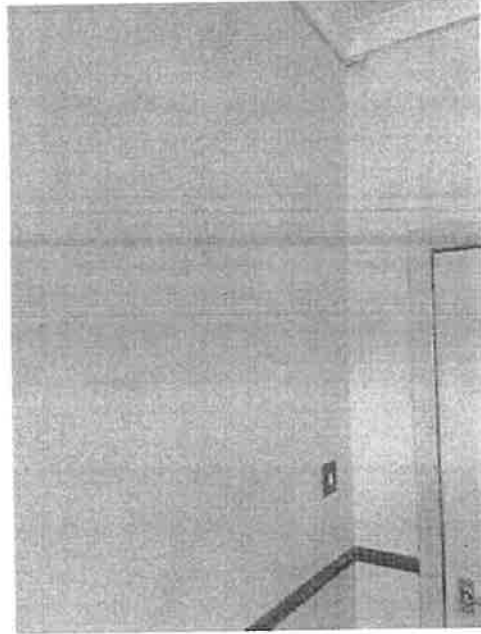
Appendix 1

The following five photographs on pages 3 and 4 were taken in the living room of Flat 1/1, 4 Houston Street, Renfrew on 12 June 2019.



Simone Sweeney

Handwritten signature



Simone Sweeney

JS