

# Housing and Property Chamber First-tier Tribunal for Scotland



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

Certificate of Completion under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/16/0149

Title Number: ANG46595

Property at 7 Warddykes Road, Arbroath, Angus, DD11 4AS being the subjects registered in the Land Register of Scotland under Title Number ANG46595 (“the Property”)

The Parties:-

Ms Lynn Fraser, residing at 7 Warddykes Road, Arbroath, Angus, DD11 4AS (“the Tenant”)

and

Elizabeth McColgan Nuttall, formerly known as Elizabeth McColgan (“the Landlord”) who’s agent is Rockford Properties Ltd, 50 Castle Street, Dundee, DD1 3AQ (“the Landlord’s Agent”)

The First-Tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) hereby certifies that the work required by the Repairing Standard Enforcement Order (“RSEO”) relative to the Property dated 29 June 2016 has been completed. Accordingly the said RSEO relative to the Property has been discharged.

A landlord, tenant or third party applicant 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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Ruth O’Hare, Solicitor, 7 Mossbeath Grove, Glasgow, G71 7UU, chairperson of the tribunal at Stirling on 3 February 2017 before this witness:-

R O’Hare

\_\_\_\_ witness

\_ chairperson

Lauren Grant, Trainee Solicitor  
c/o Stirling Council, Old Viewforth,  
Pitt Terrace, Stirling

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Decision relative to the Certificate of Completion issued by the Tribunal under section 60 of the Housing (Scotland) Act 2006**

**Chamber Ref: PRHP/RP/16/0149**

**Title Number: ANG46595**

**Property at 7 Warddykes Road, Arbroath, Angus, DD11 4AS (“the Property”)**

**The Parties:-**

**Ms Lynn Fraser, residing at 7 Warddykes Road, Arbroath, Angus, DD11 4AS (“the Tenant”)**

**and**

**Elizabeth McColgan Nuttall, formerly known as Elizabeth McColgan (“the Landlord”) who’s agent is Rockford Properties Ltd, 50 Castle Street, Dundee, DD1 3AQ (“the Landlord’s Agent”)**

**The Tribunal comprised:-**

**Mrs Ruth O’Hare - Chairperson**

**Mr David Lawrie - Surveyor member**

### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) having made such enquiries as are fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (“RSEO”) relative to the Property determined that the Landlord had complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

### **Background**

1. Reference is made to the determination of the Private Rented Housing Committee (“the Committee”) dated 29 June 2016 which determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act in that she had failed to ensure that the Property met the Repairing Standard. On the same date the Committee issued an RSEO in respect of the Property. The works required by the RSEO were:-
  - (a) arrange for a construction professional to identify and carry out remedial works to address any subsidence damage to the property, such works to include repairing any cracks and defective roughcast, and produce a completion certificate from a qualified structural engineer, or insurance loss adjuster on their behalf, following completion of the said works;

- (b) repair or replace the windows in all upstairs rooms to make them wind and watertight;
- (c) repair or replace the rotary airer in the back garden to ensure it is in proper working order; and
- (d) carry out any works required following the completion of the above works in order to make good decoration.

The RSEO gave the Landlord three months to carry out the works.

- 2. Following the decision of 29 June 2016 the Tribunal were made aware that the Tenant had vacated the Property and the tenancy had been terminated.
- 3. On 20 January 2017 the Surveyor Member attended the property to carry out a re-inspection. The property was vacant. Access was provided by the Landlord's Agent who produced documentation from a loss adjuster. The Surveyor Member noted that the works required by the RSEO had been completed. A copy of the re-inspection report dated 23 January 2017 is produced herewith and referred to for its terms.

#### **Reasons for decision**

- 4. The Tribunal having had regard to the findings from the re-inspection and the documentation produced by the Landlord's Agent concluded that the RSEO had been complied with and it was therefore appropriate to grant a Certificate of Completion discharging the RSEO. The decision of the Tribunal was unanimous.

#### **Right of Appeal**

- 5. **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.

Signed

  
Ruth O'Hare, Chairperson  
First Tier Tribunal for Scotland (Housing and Property Chamber)

3 February 2017