

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber), statutory successor to the Private Rented Housing Committee in terms of the Tribunals (Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016

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

CHAMBER REFERENCE - PRHP/RP/16/0188

Re: Property at Flat 6, 64 Murray Place, Stirling FK8 2BX more particularly described in Land Certificate Title Number STG 17742 (hereinafter referred to as "the house")

The Party

Mr. Alasdair Hunter and Mrs. Elizabeth Hunter, successors in title to Dr. Crona Hodges, 15 Jarvie Place, Carron, Falkirk (represented by agent, Ms. Marie Kelly, Homes for U, Crawford Arcade, Murray Place, Stirling) ("the Landlord")

CERTIFICATE OF COMPLETION

The First-tier Tribunal for Scotland (Housing and Property Chamber), statutory successor to the Private Rented Housing Committee in terms of the Tribunals (Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 hereby certifies that the works, required by the **Repairing Standard Enforcement Order** relative to the house dated 1 August 2016, have been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the house is revoked.

APPEAL PROVISIONS

A landlord 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.

IN Witness Whereof these presents typewritten on this and the preceding page are executed by Mrs. Aileen Margaret Devanny, Chamber President, at Glasgow on the Sixteenth day of December, Two Thousand and sixteen before the undernoted witness

J Scott

JASON SCOTT

4TH FLOOR, 1 ATLANTIC
QUAY

45 ROBERTSON STREET
GLASGOW G2 8SB

A Devanny

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber), statutory successor to the Private Rented Housing Committee in terms of the Tribunals (Scotland) Act 2014

STATEMENT OF DECISION UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006

CHAMBER REFERENCE - PRHP/RP/16/0188

Re: Property at Flat 6, 64 Murray Place, Stirling FK8 2BX more particularly described in Land Certificate Title Number STG 17742 (hereinafter referred to as "the house")

The Party

Mr. Alasdair Hunter and Mrs. Elizabeth Hunter, successors in title to Dr. Crona Hodges, 15 Jarvie Place, Carron, Falkirk (represented by agent, Ms. Marie Kelly, Homes for U, Crawford Arcade, Murray Place, Stirling) ("the Landlord")

Tribunal Members: Mrs. Aileen Devanny (Chamber President and Legal Member); Mrs. Sara Hesp (Surveyor Member (now Ordinary Member of the First-tier Tribunal));

DECISION

The First-tier Tribunal for Scotland Housing and Property Chamber ("the Tribunal"), having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the findings at the inspection of the property on 14 November 2016, the Tribunal considered that the Landlord had satisfactorily completed the works detailed in the RSEO and decided to issue a certificate of completion of works in terms of Section 60 of the Act.

BACKGROUND

1. Reference is made to the Determination of the Private Rented Housing Committee dated 1 August 2016 which decided that the then Landlord, Dr. Crona Hodges, had failed to comply with the duty imposed by Section 14(1) (b) of the Act and the RSEO made by the Committee which required the Landlord to carry out works as specified therein, the said works to be carried out and completed within a period of 21 days from the date of service of the Notice of the RSEO.

2. The Surveyor Member of the Private Rented Housing Committee carried out a re-inspection of the house on 15 September 2016 to ascertain if the works in the RSEO had been completed. The findings of the Committee was that works still required to be completed to the living room windows to ensure that they operate safely, are held in place securely when open and that the house is rendered wind and watertight. The new owners of the house, Mr. and Mrs. Hunter, indicated that they were unaware of the RSEO at the time of purchase of the house in August and indicated their intention to complete the works in the RSEO.

3. The Surveyor Member of the Committee carried out a further re-inspection of the house on 10 November 2016 at which time it was noted that the Landlord had carried out works to the windows in the house and all works required in the RSEO had been completed to a satisfactory standard. The Tribunal considers that a certificate of completion should be issued in terms of Section 60 of the Act. The members of the Tribunal were unanimous in their decision. A copy of the Surveyor Member's re-inspection report is attached.

APPEAL PROVISIONS

A landlord 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.

A Devanny

Chamber President
13 December 2016