

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Sections 25(1) and 60

The Parties:

Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley PA1 1BR ("the Third Party")

Nasier Elnasr or Elnasri, 1203 Tyburn Road, Birmingham B24 0TE ("the Landlord")

9A Rannoch Drive, Renfrew PA4 9AB ("the House")

Tribunal Reference number: FTS/HPC/RT/19/3118

Tribunal Members:

**John McHugh, Chairperson
Donald Wooley, Ordinary (Surveyor) Member**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the work required by the Repairing Standard Enforcement Order dated 20 December 2019 ("the RSEO") had been completed and resolved to issue a Certificate of Completion of Work.

The decision of the Tribunal Members was unanimous.

Background

The RSEO required the Landlord to complete the following work within 42 days:

"1 Provide a current Landlords' Gas Safety Certificate prepared by a Gas Safe registered engineer confirming that the gas central heating system and any other gas appliances within the Property are in safe working order.

2 Provide a current Electrical Installation Condition Report (EICR) prepared by a SELECT, NICEIC or NAPIT registered electrician confirming that the electrical installations within the Property are in safe working order and in particular identifying no faults in Categories C1 or C2.

3 Obtain a detailed damp report from a suitably qualified contractor to identify the extent of the damp within the bedrooms and its cause. Undertake all necessary repairs to ensure that the House is wind and watertight and in all respects reasonably fit for human habitation.

4 Install appropriately located smoke detectors within the living room and hall and a heat detector within the kitchen, ensuring that they are powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019."

Reasons for the Decision

The House has been sold by the Landlord to a third party and the Tenant is no longer in occupation. The Property has been upgraded by the new owner.

On 20 September 2023, the Tribunal carried out a re-inspection of the House.

At the re-inspection the following was noted:

The significant damp arising from defective guttering, which previously affected both bedrooms, has been resolved and the gutters repaired.

No significant damp remains although a small area located below the left bedroom window still exhibits evidence of damp at a low level. This is considered to be very localised in nature and relatively minor.

Ceiling mounted interlinked smoke and heat detectors have been fitted in the hall, living room and kitchen.

They were tested and established to be fully functional and in accordance with the requirements contained within the Housing (Scotland) Acts 1987 and 2006, as subsequently modified in 2019.

The detailed findings are noted in the Surveyor Member's Re-inspection Report.

On 1 December 2023 the new owner provided to the Tribunal written confirmation that the House was not to be let. There is no evidence to the contrary from the Third Party or otherwise. Accordingly, the Tribunal is content that an EICR and Landord's Gas Safety Certificate have not been produced.


On the basis of the evidence available, the Tribunal decides that the works have been completed and a section 60 Certificate will be issued.

Right of Appeal

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 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


John McHugh C14718162522

Date

.....5 February 2024.....