

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of completion of work: Housing (Scotland) Act 2006 Section 60

Chamber Ref: PRHP/RT/17/0139

Sasines Description/Land Register: Property known as ALL and WHOLE the attic or top floor flatted property known as and forming 17A Princes Street, Dundee DD4 6BY, all as more particularly described in the Disposition (by virtue of a power of sale in a Standard Security recorded 6 June 1994) by TSB Bank Scotland PLC in favour of Stobmuir Enterprises Limited dated 2 January 1998 and registered in the General Register of Sasines for the County of Angus on 14 January 1998, which property is currently in the process of being registered under registration number ANG79583

**17A Princess Street, Dundee, DD4 6BY
("the House")**

The Parties:-

**Mr Henry Robertson, formerly residing at the property
("the former Tenant")**

Mr. Lindsay Watson, Dundee City Council, Private Sector Services Unit, Dundee House, 50 North Lindsay Street, Dundee, DD1 1NB ("the Third Party")

Stobmuir Enterprises Limited, 14 Albert Street, Dundee, DD4 6NS ("the Landlord"), which property is now owned by Mr Ashraf Kassam, 42 Strachan Drive, Dundee, DD4 1RF

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 20 June 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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."

In witness whereof these presents type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 20 York Street, Glasgow, chairperson of the tribunal at Glasgow on 16 November 2018 before this witness:-

Nicholas Pryce

____ witness
NICHOLAS PRYCE name in full
55 BLYTHWOOD ST Address
GLASGOW

Patricia Pryce

Chair and Legal Member

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 Section 60 (5)

Chamber Ref: PRHP/RT/16/0139

**17A Princes Street, Dundee, DD4 6BY
("the Property")**

The Parties:-

**Mr Henry Robertson, formerly residing at the property
("the former Tenant")**

**Mr. Lindsay Watson, Dundee City Council, Private Sector Services Unit, Dundee
House, 50 North Lindsay Street, Dundee, DD1 1NB ("the Third Party")**

**Stobmuir Enterprises Limited, 14 Albert Street, Dundee, DD4 6NS ("the
Landlord"), which property is now owned by Mr Ashraf Kassam, 42 Strachan
Drive, Dundee, DD4 1RF**

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order dated 20 June 2016 in respect of the property, and taking account of the written information provided by the new owner of the property, determined that the Landlord has complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Patricia Anne Pryce	-	Chair and Legal Member
Geraldine Wooley	-	Ordinary Member (Surveyor)

Background

1. On 20 June 2016, the Private Rented Housing Committee ("the Committee") issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.

2. The RSEO made by the Committee required the Landlord:

- (a) To repair or replace the roof to ensure that it is wind and watertight.
- (b) To clean, clear, repair or replace the gutters to ensure that they work effectively.
- (c) To replace the double glazed window unit within the living room.
- (d) To repair or replace the window in the kitchen.
- (e) To obtain an Electrical Installation Condition Report (EICR) by a suitably qualified electrician and to carry out all works identified as required within the said report and, once all of the said necessary works have been carried out, to produce a further report by a suitably qualified and registered electrician confirming that said works have been carried out.
- (f) To produce a Portable Appliance Test (PAT) on all portable electrical appliances and equipment supplied by the Landlord and located within the property and to repair or replace any appliance supplied by the landlord and identified by the PAT as defective.
- (g) To produce a report by a suitably qualified Gas Safe registered engineer to address the state of repair and working order of all gas appliances within the property and to carry out all works identified as required within the said report and, once all of the said necessary works have been carried out, to produce a further report by a suitably qualified and registered Gas Safe engineer confirming that said works have been carried out.
- (h) To produce an Energy Performance Certificate in respect of the property.
- (i) To repair or replace the extractor fan within the bathroom.
- (j) To repair or replace the shower screen within the bathroom.
- (k) To repair or replace the seal located around the top of the bath.
- (l) To secure the wash hand basin to the wall in the bathroom and to repair or replace the seal around the top of the basin.
- (m) To repair or replace the smoke detectors located in the hall and the kitchen.
- (n) To repair or replace the laminate floor throughout the property.
- (o) To provide a heat detector in an appropriate location within the kitchen.
- (p) To provide an appropriately positioned carbon monoxide detector within the property.

3. The Committee ordered that the works specified in the RSEO were to be carried out within 28 days of the date of service of the Notice, that is, 21 July 2016.

The jurisdiction of the PRHP was assumed by the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") on 1 December 2016

4. After further sundry procedure which included the issue by the tribunal of a Failure to Comply decision and a Refusal of Leave to Appeal, a final inspection of the property being carried out by the Ordinary Member (Surveyor) of the tribunal on 6 August 2018. The Landlord had sold the property to the new owner whose details are noted above. The new owner attended the latest inspection. The Ordinary Member prepared a report of the inspection which is attached to this decision. The tribunal considered correspondence received from the new owner of the property. The Tenant had previously vacated the property.

5. Given all of the circumstances, the tribunal found that all of the works in the RSEO had taken place.

6. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Tribunal was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

Patricia Pryce


Chair and Legal Member

16 November 2018

Date