

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

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

**Certificate of Completion of Work under Section 60 of the Housing (Scotland) Act 2006 as amended (“the 2006 Act”)**

**Chamber Ref: FTS/HPC/RT/18/1107**

**118B Corsewall Street, Coatbridge, ML5 1QX**  
**Title Number: LAN62967**  
**(“the House”)**

**The Parties:**

**Mrs Jane McGahan, North Lanarkshire Council, Environmental Health, Regulatory Services and Waste Solutions, Municipal Buildings, Kildonan Street, Coatbridge, ML5 3LF**  
**(“the Third Party Applicant”)**

**Mr Finlay Johnstone, 118B Corsewall Street, Coatbridge, ML5 1QX**  
**(“the Tenant”)**

**Mr Denis McNaughton, 62 Dundrennan Drive, Chapelhall, Airdrie, ML6 8GT, formerly residing at 2127 Wallace Street, Glasgow**  
**(“the Landlord”)**

**Ms Amanda Rossiter, Housespotters, Cumbernauld Business Centre, Lennox House, Lennox Road, Cumbernauld, G67 1LL**  
**(“the Landlord’s Representative”)**

**Tribunal members**

**Susanne L M Tanner Q.C. (Legal Member)**  
**Carol Jones (Ordinary Member)**

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 House, dated 23 August 2018, 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 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.

In terms of Section 63 of the Act, 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(s) are executed by Susanne L M Tanner, Queen's Counsel, legal member of the Tribunal,

at Edinburgh (place)  
on 5 December 2018 (date)

in the presence of the undernoted witness:-

S Tanner

\_\_\_\_\_  
Susanne L M Tanner, Q.C.

Legal member

R Buchan

\_\_\_\_\_  
witness

ROBERT BUCHAN name in full

SUNFLOWERS address

DONAVOURD

PITLOCHRY

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

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

**DECISION: Housing (Scotland) Act 2006 ("the 2006 Act"), Section 60**

**Chamber Ref: FTS/HPC/RT/18/1107**

**118B Corsewall Street, Coatbridge, ML5 1QX**  
**Title Number: LAN62967**  
**("the House")**

**The Parties:**

**Mrs Jane McGahan, North Lanarkshire Council, Environmental Health,  
Regulatory Services and Waste Solutions, Municipal Buildings, Kildonan Street,  
Coatbridge, ML5 3LF**  
**("the Third Party Applicant")**

**Mr Finlay Johnstone, 118B Corsewall Street, Coatbridge, ML5 1QX**  
**("the Tenant")**

**Mr Denis McNaughton, 62 Dundrennan Drive, Chapelhall, Airdrie, ML6 8GT,  
formerly residing at 2127 Wallace Street, Glasgow**  
**("the Landlord")**

**Ms Amanda Rossiter, Housespotters, Cumbernauld Business Centre, Lennox  
House, Lennox Road, Cumbernauld, G67 1LL**  
**("the Landlord's Representative")**

**Tribunal members**

**Susanne L M Tanner Q.C. (Legal Member)**  
**Carol Jones (Ordinary Member)**

## **DECISION**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having taken account of the findings of the re-inspection on 1 November 2018 and the written documentation submitted by and on behalf of the Landlord, determined that the Landlord has complied with the Repairing Standard Enforcement Order dated 23 August 2018.
2. The tribunal issued a Certificate of Completion in terms of Section 60 of the Housing Scotland Act 2006 (hereinafter "the 2006 Act").
3. The decision of the tribunal was unanimous.

## **STATEMENT OF REASONS**

### **4. Findings-in-fact**

- 4.1. The kitchen heat detector has been repaired and is operational and interlinked to the existing smoke alarm system.
- 4.2. The loose double electrical socket in the kitchen has been repaired and is in working order.
- 4.3. The ceiling mounted central light in the rear twin bedroom has been reinstated and the light switch and light are now in proper working order.
- 4.4. The works in 4.1 to 4.3 above were carried out before the new EICR inspection took place.
- 4.5. An EICR Report dated 12 September 2018 reports that an inspection was carried out on 4 September 2018 by an NICEIC registered electrician, John Wylie Building Ltd.
- 4.6. The electrical installation is satisfactory.
- 4.7. The bathroom door has been replaced and has a new handle, closing mechanism and hinges. It is in a good state of repair and proper working order.
- 4.8. Adjustments have been made to the handle and closing mechanism of the right hand side window in the rear twin bedroom and the window now opens and closes properly.

- 4.9. A carbon monoxide alarm has been fitted to the wall above the door to the cupboard in the kitchen where the boiler is located.
- 4.10. The carbon monoxide alarm is properly located terms of the statutory guidance
- 4.11. There is a Gas Safety Record dated 6 September 2018 which was prepared by a Gas Safe registered engineer, Crawford and Sons Gas Services Ltd.
- 4.12. The gas appliances in the property are safe to use and an approved CO alarm is fitted.

## **5. Findings in fact and law**

- 5.1. The Landlord has ensured that there is a satisfactory system for detecting fires and giving warning in the event of fire.
- 5.2. The Landlord has ensured that the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order.
- 5.3. The Landlord has ensured that the fixtures, fittings and appliances provided by him in the House are in a reasonable state of repair and proper working order.
- 5.4. The Landlord has ensured that the House has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
- 5.5. The Landlord has ensured that the House does has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
- 5.6. The House meets the repairing standard as specified in Section 13 of the 2006 Act.

## **6. Reasons**

- 6.1. On 23 August 2018 the tribunal issued a Decision in terms of Section 24(1) of the 2006 Act and made a Repairing Standard Enforcement Order ("RSEO"), requiring the Landlord to carry out such work as is necessary for the purposes of ensuring that the House meets the repairing standard in Section 13 of the 2006 Act and that any damage caused by the carrying out of any work in terms of the RSEO is made good. In particular the tribunal required the Landlord:

1. To repair or replace the kitchen heat detector and ensure that it is operational and interlinked to the existing smoke alarm system so that there is a satisfactory system for detecting fires and giving warning in the event of fire.
2. To repair or replace the loose double socket in the kitchen.
3. To reinstate a mains powered ceiling or wall light in the rear twin bedroom so that the light switch and light are in a reasonable state of repair and proper working order.
4. To produce to the tribunal a fresh EICR by competent electrician registered with SELECT or NICEIC or NAPIT after orders 1, 2 and 3 have been carried out, which includes testing of the smoke alarm system and the circuits which contain the hall light switch, the electrical socket which has been repaired or replaced in terms of order 2, the electrical sockets providing power to the microwave in the kitchen and the television in the living room and the mains light switch and new light fitting in the rear twin bedroom.
5. To replace the bathroom door with a new door which includes a door handle, closing mechanism and replacement hinges, to ensure that the door is in reasonable state of repair and proper working order.
6. To repair or replace the handle and/or closing mechanism on the right hand window casement in the rear twin bedroom window to ensure that the handle and window can be securely closed and the window is in a reasonable state of repair and proper working order.
7. To fit a Carbon Monoxide (CO) detector in the kitchen in accordance with statutory regulations and guidance.
8. To provide to the tribunal a fresh Gas Safety Certificate from a Gas Safe registered engineer after the carbon monoxide detector has been fitted as ordered in number 7.

6.2. The tribunal ordered that the works specified in the Order must be carried out and completed within 30 days from the date of service of the Notice.

6.3. On 29 October 2018 the Landlord returned a form to the tribunal stating that the works in the RSEO had been completed and that he wished the tribunal to consider a variation or revocation of the RSEO.

- 6.4. On 1 November 2018, a re-inspection of the House was conducted by the Ordinary member of the tribunal and a re-inspection Report dated 2 November 2018 was prepared, which is referred to for its full terms.
- 6.5. The re-inspection report dated 2 November 2018 was sent to parties and they were advised that they had the right to request an oral hearing to give their response to the report to the tribunal, within 7 working days of the date of the letter. Parties were also advised that they had the right to send written representations to give their response to the report to the tribunal, whether or not a hearing was requested. Parties were further advised that if no written request for a hearing was received from any party, then it would be assumed that they wish the tribunal to make a decision on the basis of any written representations received.
- 6.6. The Landlord returned a form requesting an oral hearing but the tribunal decided that no oral hearing was required. On 29 November 2018, parties were advised by the tribunal's administration that the tribunal would consider the question of compliance with the RSEO on the basis of the findings at the re-inspection and written documentation submitted.
- 6.7. On 14 November 2018 the Landlord submitted written representations together with a copy of an invoice from an electrical contractor dated 1 September 2018 in respect of the installation of the pendant light in the twin bedroom, the repair of the electrical socket in the kitchen and the repair of the heat detector in the kitchen. This confirms that the electrical works in the RSEO were carried out prior to the new EICR Report being produced.
- 6.8. The tribunal is satisfied, having considered the written documentation submitted by the Landlord, and the findings on re-inspection on 1 November 2018, that the works in the RSEO have been completed.
- 6.9. The tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act.

## **7. Right of Appeal**

- 7.1. 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.**
- 7.2. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the

decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

S Tanner

Signed ..... Susanne L M Tanner, Queen's Counsel  
Legal Member and Chairperson of the tribunal

Date 5 December 2018