

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(5)(b)('the Act')

Chamber Ref: Prhp/ZE1/91/10

Property at 86 North Road, Lerwick, Shetland ZE1 OPQ

Land Register Title Number OAZ 5640

('the Property')

The Parties:

David Thompson and Elizabeth Allan, the former tenants at 86 North Road, Lerwick, Shetland

('the former Tenants')

Mr J Webb, Executor of the late Laurence James Thomason of Da Dykes, Sandylock Drive, Lerwick, Shetland

('the Landlord')

The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the work required by the Repairing Standard Enforcement Order ('RSEO') relative to the Property dated 6th October 2010, issued by the Private Rented Housing Committee, has been completed.

Accordingly, the said RSEO is now REVOKED.

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 thirty 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 page and the preceding page, are executed by Joseph Christopher Hughes, Solicitor Advocate, Legal Member and Chair of the Housing and Property Chamber of the First-tier Tribunal for Scotland at Glasgow on 11th February 2019 before Ian Mark McClelland, Solicitor, care of J C Hughes Solicitors, 1028 Tollcross Road, Glasgow.

J Hughes

Signed[Joseph C Hughes]

I McClelland

Signed.....[Ian Mark McClelland]

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 24(1) ('the Act')

Chamber Ref: Prhp/ZE1/91/10

Property at 86 North Road, Lerwick, Shetland ZE1 0PQ

Land Register Title Number OAZ 5640

('The Property')

The Parties:

David Thompson and Elizabeth Allan, former tenants of 86 North Road, Lerwick, Shetland

('the former Tenants')

Mr J Webb, Executor of the late Laurence James Thomason of Da Dykes, Sandylock Drive, Lerwick,

Shetland

('the Landlord')

The Tribunal Members:

Joseph C Hughes (Legal Member)

Mark Andrew FRICS (Ordinary Member/Surveyor)

DECISION:

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having made such enquiries as it saw fit for the purpose of determining whether the Repairing Standard Enforcement Order ('RSEO') relative to the Property dated 6th October 2010, issued by the Private Rented Housing Committee, should be revoked, determined the RSEO should be revoked.

The Tribunal proceeded to issue a Revocation of the RSEO.

Background:

1. On 6th October 2010 the Private Rented Housing Committee issued a Determination 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 that date the Committee issued a Repairing Standard Enforcement Order ('RSEO') in respect of the property.

2. The RSEO ordered the Landlord to :

(i) Install appropriate railings on the concrete steps and ramp at the side of the property to ensure they can be used safely;

(ii) Provide satisfactory evidence by way of a suitably qualified electrician's and/or plumber's report to show that the radiators, light fittings and the electrical appliances including the telephone line within the property are in a reasonable state of repair and in proper working order; and

(iii) Ensure that the smoke alarms in the property are interlinked in terms of the guidance issued by the Scottish Government.

2. Subsequent to the issue of that Order the property was re-inspected on 22nd January 2019. The re-inspection was carried out by Mr Mark Andrew, FRICS, surveyor and Ordinary Member of the First-tier Tribunal for Scotland who now have the legal authority to revoke the said RSEO.

3. A Report of that inspection was produced and circulated only to the now owner, Mr Thomas Sinclair, since the original Tenants had vacated the premises. It is understood Mr Sinclair and his wife purchased the Property in January 2011.

4. A copy of the re-inspection Report is annexed hereto.

Decision:

5. The re-inspection visit disclosed that the works specified in the RSEO had been completed. There are no repairs or significant issues outstanding in terms of the RSEO.

6. The Tribunal resumed consideration of the Application and determined that in view of the re-inspection Report, it was not necessary to hold a further hearing. The Tribunal determined to issue a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006 to the effect of discharging the said RSEO.

7. The decision of the tribunal was unanimous.

Right of Appeal:

8. A landlord, tenant or third party applicant aggrieved by the Decision of the tribunal may seek permission to appeal to the Upper Tribunal on a point of law only. Before an appeal can be made to

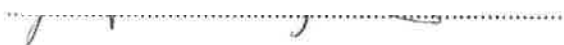
the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within thirty days of the date the decision was sent to them.

Effect of Section 63:

9. Where such an Appeal is made, the effect of the Decision and the Order is suspended until the Appeal is abandoned or finally determined by the Upper Tribunal.

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.

J Hughes



Joseph Christopher Hughes

Legal Chairperson

Housing and Property Chamber

11th February 2019