

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **DETERMINATION BY FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)**

**Statement relative to the Certificate of Completion of work issued by the First-tier tribunal for Scotland (Housing and Property Chamber) under section 60 of the Housing (Scotland) Act 2006**

**Chamber Reference: FTS/HPC/RP/22/0806**

**Title Number: Subjects registered in the Land Register of Scotland under Title Number MOR3566**

#### **The Parties**

**Miss Rossana Elisiario, 34 South Guildry Street, Elgin, IV30 1QN (“The Former Tenant”)**

**Mr Tom Cameron, 58 James Street, Lossiemouth, IV31 6BY (“The Landlord”)**

**Subjects: 34 South Guildry Street, Elgin, IV30 1QN (“the Property”)**

#### **Decision**

1. Further to a decision of the Private Rented Housing Tribunal dated 25<sup>th</sup> August 2022, the Tribunal issued a Repairing Standard Enforcement Order (‘RSEO’) dated 26<sup>th</sup> August 2022 in respect of the Property in the following terms:

The Tribunal requires the Landlord to:

1. Repair or replace the main bedroom window and secondary glazing to ensure they are wind and watertight, and in proper working order.
2. Arrange an inspection of the cooker by a suitably qualified electrician to ensure it is in proper working order, failing which, replace the cooker.
3. Carry out sufficient repairs to the roof over the communal stairwell to ensure it is safe and does not allow the penetration of water to the interior stairwell.

4. Repair the bathroom cabinet by installing toughened glass or Perspex doors, failing which, replace the bathroom cabinet with a suitable replacement.
5. Remove damaged stonework from the external wall of the stairwell and replace or reface the stonework.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of six weeks from the date of service of this Notice.

2. By email dated 10<sup>th</sup> October 2022, the Landlord provided photographs of the window replacement, the roof repairs, an invoice in respect of roof repairs, and a receipt for a replacement cooker.
3. By email dated 1<sup>st</sup> February 2023, the Landlord provided evidence that the tenancy had terminated on 27<sup>th</sup> January 2023.
4. A re-inspection of the Property took place on 15<sup>th</sup> February 2023. The following observations were made:
  - (i) The bedroom window has been replaced. The window is in proper working order and is wind and watertight.
  - (ii) The previous cooker has been replaced with a new cooker.
  - (iii) The roof over the common stairwell has been repaired and there is no water ingress to the stairwell.
  - (iv) The previous bathroom cabinet has been replaced with a suitable replacement.
  - (v) The stonework on the external wall of the stairwell has been refaced.
5. The Tribunal considered whether or not it was appropriate to find that the works required by the RSEO had been completed and the appropriate Certificate of Completion in terms of section 60 of the 2006 Act should be issued. The Tribunal agreed that the appropriate Certificate should be issued.

### **Right of Appeal**

**A landlord, tenant or third party Tenant 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.**

### **Effect of section 62 of the 2006 Act**

Where such an appeal is made, the effect of the decision and 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 decisions and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

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Chairperson  
First Tier Tribunal for Scotland (Housing and Property Chamber)  
Date: 28<sup>th</sup> February 2023