

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION in respect of an application under Section 24 (1) of the Housing (Scotland) Act 2006 ("the Act") and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Re:- Property at Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN ("the property")

Land Register Title Number: GLA27092

Tribunal Ref: PRHP/G41/89/10

The Parties:-

Idris Asanai Mekal residing at Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN ("the tenant")

And

Ranjat Singh, Nirmala Kaur and Partab Singh, all residing at 1 Alder Road, Mansewood, Glasgow, G43 2UY ("the former landlords")

And

Jitnam Properties Limited, a company incorporated under the Companies Act (company number SC344273) and having its registered office at c/o Burgoyne CKarey, Pavilion 2, 3 Dava Street, Glasgow, G51 2JA ("the new landlords")

The Tribunal Members comprised:-

Mr James Bauld (Legal Member)

Mr Andrew Taylor (Ordinary Member)

Decision

The Tribunal having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the Repairing Standard Enforcement Order dated 6 September 2010 (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the evidence obtained at the re-inspection which took place on 13 December 2019 consider that the works required in the RSEO have now been satisfactorily completed and accordingly the Tribunal have decided to issue a Certificate of Completion of Works in terms of Section 60 of the Act and to revoke the Rent Relief Order previously made on 20 December 2010.

Background

1. Reference is made to the original decision made by the then Private Rented Housing Committee dated 6 September 2010. Reference is also made to the subsequent decision dated 20 December 2010 to issue a Rent Relief Order. On 1st December 2016 the functions of the Private Rented Housing Committee were transferred to the First-tier Tribunal for Scotland

(Housing and Property Chamber) in terms of legislation and regulations. At the time of the original decisions, the then committee consisted of three members including Alan English, surveyor member and Tom Keenan housing member. Both Mr English and Mr Keenan have subsequently retired from the tribunal. Mr Andrew Taylor was appointed to replace them and this decision has been made by the remaining members of the tribunal.

2. On 13 December 2019, Mr Andrew Taylor, ordinary member of the Tribunal, attended at the property to carry out an inspection. An inspection had been requested by the current owner of the property. At the inspection it was clear to the ordinary member that all the outstanding works in terms of the Repairing Standard Enforcement Order had been completed.
3. Subsequent to the inspection, the ordinary member prepared a property re-inspection report dated 13 December 2019. The inspection report concludes that all the works in terms of the Repairing Standard Enforcement Order have been completed and that there are no outstanding works. A copy of the inspection report is annexed to this decision.
4. The Tribunal have considered the terms of the inspection report and have now determined that all works in the RSEO have now been completed. The Tribunal accordingly unanimously agreed that the Rent Relief Order should be revoked and that the Certificate of Completion in terms of the RSEO should be issued. The Tribunal accordingly revoke the Rent Relief Order with effect from 13 December 2019.

Rights 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.

J Bauld

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Legal Member

13 Febur 2020
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Re-Inspection Report



Property – Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN

Reference- PRHP/G41/89/10

Surveyor – Andrew Taylor, MRICS

Previous Inspections – Full PRHP Committee – 27th August 2010

Re-inspection – 10.00am – 13th December 2019

Weather – Dry, overcast

In Attendance – Mr Partab Singh, Jitnam Properties Ltd, Landlord and Mr Gary Colquhoun – HPC Clerk

Purpose of Re-inspection - To establish if the work required under the Repairing Standard Enforcement Order had been completed.

RSEO – In terms of the RSEO issued on 6th September 2010 the Landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and in particular the following specific areas: -

- to carry out appropriate repairs to the roof of the property to make the property wind and watertight;
- to repair the ceilings within bedroom numbers 2, 3 and 4 to restore them to proper condition and

- to repair the broken floorboards within bedroom 3 of the property.

Works In RSEO Carried Out

- Visual inspection from ground level reveals no apparent roof defects. There is no evidence of continuing water penetration within the property.
- Ceilings to bedroom 2, 3 and 4 have been repaired and decorated.
- Broken floorboards within bedroom 3 of the property have been replaced.

RSEO Works Outstanding

Nil

Photographs



1. Herriot St Elevation and roof



2. Bedroom 2- ceiling and bay window



3. Bedroom 3 ceiling



4. Bedroom 4 ceiling



5. Bedroom 3 - floor

Comments

This Report will be referred to the Tribunal of the Housing and Property Chamber, First-tier Tribunal For Scotland for their consideration and further action.

Andrew Taylor MRICS

Surveyor Member, Housing and Property Chamber, First-tier Tribunal For Scotland

14th December 2019