

Housing and Property Chamber
First-tier Tribunal for Scotland



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

**STATEMENT OF DECISION UNDER SECTION
26(1) OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

Chamber Reference number: PRHP/RP/16/0311

Re: Property at The Corran, Kensaleyre, Portree, Isle of Skye IV51 9XE ("the house")

The Parties:

Mr Calum Nicolson ("Landlord")

Tribunal members: Mrs Aileen Devanny (Chamber President and Legal Member);
Mr Robert Buchan (Ordinary Member (Surveyor))

DECISION

The First-tier Tribunal for Scotland sitting in the Housing and Property Chamber ("the Tribunal"), having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order dated 6 March 2017 (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the information contained in a electrical installation condition report produced on 4 May 2018 by the Landlord, the Tribunal considered that the Landlord had satisfactorily completed the works detailed in the RSEO and decided to issue a certificate of completion of works in terms of Section 60 of the Act.

Background

1. Reference is made to the Statement of Decision of the Tribunal dated 3 March 2017 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Act and the RSEO made by the Tribunal which required the Landlord to carry out works as specified therein, the said works to be carried out and completed within a period of two months from 10 March 2017.

2. A communication from the Landlord was received by the Tribunal on 4 May 2018 and was accompanied by an electrical installation condition report following an inspection which took place on 3 May 2018. This report was completed by an NICEIC approved contractor who confirmed that the electric hob had been replaced with a new "like for like" hob. The electrical contractor also confirmed in the report on the installation that there were no items adversely affecting electrical safety.

The Tribunal considers that all works required in the RSEO have been completed to a satisfactory standard. The Tribunal considers that a certificate of completion should be issued in terms of Section 60 of the Act. The members of the Tribunal were unanimous in their decision. A copy of the electrical installation condition report is attached.

APPEAL PROVISIONS

A Landlord 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.

A Devanny

Chamber President and Legal Member,
16 May 2018