

# Housing and Property Chamber First-tier Tribunal for Scotland

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

**Statement of Decision under section 26(1) of the Housing (Scotland) Act 2006  
as amended (“the Act”)**

**Chamber Ref: FTS/HPC/RP/18/1195**

**Title no: GLA95688**

**Flat 3/2, 35 Aberfeldy Street, Glasgow G31 3NR (“The House”)**

**The Parties:-**

**AMI Development and Lettings, 211 Dumbarton Road, Glasgow G11 6AA (‘the  
Landlord’)**

**The Tribunal comprised:-**

Ms Gabrielle Miller - Legal Member  
Mrs Sara Hesp - Ordinary Member

- 1. The First Tier Tribunal for Scotland (Housing & Property Chamber) (“the Tribunal”), having made such enquiries as was appropriate for determining whether the Landlord had complied with the Repairing Standard Enforcement Order (“RSEO”) in relation to the Property concerned and taking account of the subsequent re-inspection of the Property, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO**

## **Statement of Reasons**

- 2. Reference is made to the Determination of the Tribunal dated 10<sup>th</sup> September 2018 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and to the RSEO made by the Tribunal**

which required the Landlord to carry out works to ensure that the Property meets the repairing standard.

3. The Tribunal required the Landlord to carry out such work as is necessary for the purpose of ensuring that the Property concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of the Order is made good.
4. In particular, the Tribunal required the Landlord: -
  - a. To repair or replace and make good the handle on the bathroom window so as that the window can be opened and closed.
  - b. To provide an Electrical Installation Condition Report (EICR) showing the electrical installation reaches a satisfactory standard with no C1 or C2 items reported and it to be dated after the date of the inspection by the Tribunal. The aforementioned EICR should be carried out by a suitably qualified and registered SELECT or NICEIC electrical contractor.
  - c. To provide a completion certificate for all work done to the exterior walls, guttering and downpipes; and
  - d. To provide a completion certificate for all work done to the roof.
5. The said works were to be carried out and completed within a period of 3 months from the date of the service of the Order.
6. On 12<sup>th</sup> April 2019, the Ordinary Member (Surveyor) of the Tribunal carried out an inspection of the Property and noted: -
  - a. The bathroom window had been repaired so that there is a working handle and the window can be satisfactorily opened and closed.
  - b. Although electrical certificates have been submitted, the relevant assessments do not appear to have been conducted by an accredited contractor.
  - c. No completion certificates have been submitted – only a notice of acceptance. No evidence has been submitted at all in respect of downpipes, guttering or roofing.
7. The Ordinary Member's inspection report with his findings was circulated to the Landlord (the only remaining party) for information purposes.
8. A hearing was held on 17<sup>th</sup> June 2019 at the Glasgow Tribunal Centre to discuss the remaining issues namely the completion certificate for the work carried out to the exterior of the building and the valid EICR as stipulated

within the RSEO. The Landlord was present and was able to satisfy the Tribunal that documentation submitted to support the completion of the exterior works to the building was the appropriate documentation. The Landlord explained that he had contacted the Local Authority who confirmed that there would be no further documentation or certification as the provided information was sufficient. However, the valid EICR was remained outstanding. The Landlord undertook to get provide the Tribunal with a valid EICR. On 4<sup>th</sup> July 2019 the Tribunal received an email from the Landlord containing an EICR in terms of the RSEO. The Tribunal was then satisfied that all the outstanding items on the RSEO had been completed and that the RSEO was no longer needed.

9. The Tenancy expired on 26<sup>th</sup> May 2018.

10. **Decision**

The Tribunal considers the works specified in the RSEO have been substantially completed and have decided that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. The Tribunal members were unanimous in their decision.

**Rights of Appeal**

**11. 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.**

**12. 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.**

G Miller

Chairing Legal Member of the Tribunal  
Dated:

5 Sept 19