

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/22/0462

Property: 37 Eskdale Terrace, Bonnyrigg EH19 2BN (“the Property”)

Parties: Mr Farukh Gondal, 37 Eskdale Terrace, Bonnyrigg EH19 2BN (“the Applicant”)

Mr Nassir Ellahi, Mrs Sajda Ellahi, 10 Sandstone Crescent, Duddingston, Edinburgh EH15 3FE (“the Respondent”)

Tribunal Member:

Mr M Thorley (Legal)
Mr G Adams (Ordinary)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) having made such enquiries as it saw fit for the purposes of determining whether the landlord has complied with the Repairing Standard Enforcement Order made by the Tribunal on 1 June 2022, decided the landlord has complied with the order and that a Certificate of Completion of Works should be issued in terms of section 60 of the Housing (Scotland) Act 2006 (“the Act”).

Background

1. On 1 June 2022 the First-tier Tribunal for Scotland (Housing and Property Chamber) (the “Tribunal”) determined the landlord had failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”) and made a Repairing Standard Enforcement Order (“the order”) in respect of the property. The order required the landlord to –

- (a) To obtain a report from a suitably qualified plumber in relation to the water damage contained within the shower tray void in the downstairs bathroom to identify the source of the leak and having done so to thereafter undertake such work as is required to resolve the leaking area within a period of 28 days from the date of this notice.
- (b) To replace or repair the top hopper serving the livingroom window left hand unit to ensure that it operates properly to allow the window to open.
- (c) To repair or replace the extractor canopy hood in the kitchen to allow for proper extraction from the cooker.
- (d) To ensure that the smoke detection device together with heat detection devices are interlinked.

- (e) To remove or replace the high level boundary fence adjacent to the garage of the property.
- (f) To repair or replace the concrete paving slabs to ensure that they are even.

The Tribunal ordered that the works required by this order must be carried out and completed by 6 July 2022.

The re-inspection

The Tribunal re-inspected the property on 1 December 2022. A copy of the Tribunal's Re-inspection Report is attached to and forms part of the Statement of Decision. The Report confirms that all the works required by the order had been carried out. The property is now in a good state of repair.

Reasons for decision

The tribunal is satisfied that the work required by the order has been carried out. Accordingly a Certificate of Completion of Works should be issued.

The decision of the Tribunal was unanimous.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

Legal Member:

Date: 27 February 2023