

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 60

In connection with

Property at 15 Kerr Street, Glasgow G40 2QP (hereinafter referred to as "the House")

Oliver Braid, formerly residing at 15 Kerr Street, Glasgow G40 2QP (hereinafter referred to as "the Tenant")

Pirameena Saravanamuthu, Flat 128, James Riley Point, Carpenters Road, Stratford, London E15 2HZ (hereinafter referred to as "the Landlord")

Tribunal Ref: FTS/HPC/RP/19/0468

Tribunal Members

J McHugh, Chairperson
A Taylor, Ordinary (Surveyor) Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined as follows:

that the work required by the RSEO had been completed and resolved to issue a Certificate of Completion of Work.

The decision was unanimous.

Background

On 7 May 2019 the Tribunal made a Repairing Standard Enforcement Order ("the RSEO") as follows:

"The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular, the Tribunal requires the Landlord to:

1 (a) Engage a suitably qualified and Gas Safe registered heating engineer to carry out an inspection, written report and service on the gas boiler, heating and hot water supply installation including all radiators, valves, thermostats, etc.; (b) Follow the recommendations of that report to ensure that the entire system is safe and in proper working order; (c) On completion of the works provide a copy of the written report exhibiting that the installation is in proper working order and a valid CP12 Gas Safety Certificate.

2 Repair or replace the front door bell and leave in proper working order.

3 Replace the glass pane in the kitchen pass door to match existing.

4 Repair or replace the cooker so that the grill unit functions correctly, has intact, useable runners, grill pan and proper seals.

The Tribunal orders that the works specified in this Order must be carried out and completed within 31 days from the date of service of this Notice."

The Surveyor Member of the Committee re-inspected the House on 10 July 2019.

It was found that the works required by paragraphs 2, 3 and 4 had been completed.

In relation to paragraph 1, the Landlord had produced a Gas Safety Certificate and a report from a gas engineer dated 1 October 2019 which identified a problem with loss of gas pressure and recommended that alterations should be undertaken to the system pipework. There was no information that the recommended works have been carried out. The office of the Tribunal wrote to the Landlord indicating that the Landlord should address this point on both 14 October 2019 and 6 January 2020.

There being no evidence of compliance with the RSEO in relation to the gas issue, the Tribunal determined that there had been a failure to comply with the

RSEO and issued its decision to this effect under section 26 of the Act on 27 March 2020.

On 14 September 2020, the Respondent produced to the office of the Tribunal a report from a Gas Safe Engineer dated 12 September 2020 which confirmed that he had tested the gas pipework for loss of pressure and had identified that the system was safe and that there was no requirement for any remedial works. The Tribunal requested a Landlord's Gas Safety Certificate. On 21 November 2022, the new owner of the House produced a Gas Safety Certificate dated 18 November 2022.

Reasons for the Decision

The Tribunal, having had regard to the report of the Gas Safe engineer and the Landlord's Gas Safety Certificate, considers that the works required by the RSEO are now complete.

Right 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.

Jc . McHugh
Chairperson

Date: 22 December 2022