

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

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Reasons: Housing (Scotland) Act 2006 Section 60

Chamber Ref: FTS/HPC/RP/22/2991

Property: 3 Falahill Cottages, Heriot EH38 5YG ('The House')

Title Reference: MID149966

The Parties: -

Joyce Garrity, residing at 3 Falahill Cottages, Heriot EH38 5YG ('the tenant')

Network Rail Infrastructure Ltd, Network Rail Property Services, Buchanan House, 58 Port Dundas Road, Glasgow G21 1AY ('the landlord')

Robb Residential, 150 St. Vincent Street, Glasgow G2 5NE ('the landlord's agent')

Tribunal Members:

Mary-Claire Kelly (Legal Member/Chairperson)

Greig Adams (Ordinary Member)

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 had complied with the Repairing Standard Enforcement dated 24th November 2022 in respect of the property (hereinafter referred to as "the RSEO"), and taking account of the written information provided by the Tenant, determined that the Landlord has complied with the terms of the said RSEO and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said RSEO in terms of section 60 of the Housing (Scotland) Act 2006 and to revoke the RSEO.

Reasons for Decision

1. The tribunal made a RSEO in respect of the house on 24th November 2022.
2. The RSEO required the Landlord to instruct a suitably qualified engineer to attend at the house and carry out an inspection of the fridge/freezer and thereafter carry out such repairs as are necessary to return the fridge to proper working order or to replace the fridge/freezer with one in proper working order. The tribunal ordered that the works be carried out within twenty-eight days of service of the RSEO.
3. On 27th December 2022 the Tenant emailed the tribunal to advise that all work had now been completed.
4. The tribunal is satisfied that the RSEO had been complied with in full. Accordingly the tribunal proceeded to issue a Completion Certificate.
5. The decision was unanimous.

Right of Appeal

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.

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.

Chairperson

Date: 6th January 2023