

# Housing and Property Chamber First-tier Tribunal for Scotland



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

**Statement of Decision under section 25(1)(a) of the Housing (Scotland) Act 2006 ("the 2006 Act")**

**Chamber Ref: FTS/HPC/RP/17/0310**

**Property at 206 Brown Street, Paisley, PA1 2SN  
("The House")**

## **The Parties:-**

Mr Zain-ud-din Mohammad, residing at 206 Brown Street, Paisley, PA1 2SN ("the Tenant")

Miss Sophie Ahmed, residing at 18 Fairview Drive, Renfrew, PA4 0EG ("the Landlord")

Mr Irshad Ahmed, residing at 18 Fairview Drive, Renfrew, PA4 0EG ("the Landlord's Representative")

## **The Tribunal comprised:-**

Mrs Ruth O'Hare - Legal Member  
Mr Colin Hepburn - Ordinary Member

## **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') unanimously determined that the works required by the Repairing Standard Enforcement Order ("RSEO") had been completed and resolved to issue a Certificate of Completion of Work.

## **Background**

1. Reference is made to the determination of the Tribunal dated 27 November 2017 which determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act in that he had failed to ensure the Property met the Repairing Standard. The works required by the RSEO were:-
  - (a) Replace the floor coverings in the kitchen;
  - (b) Replace the kitchen units and kitchen worktop to ensure these are in a reasonable state of repair;

## **Reasons for the decision**

5. The Tribunal determined the application having regard to the findings of the re-inspection and the representations from both parties. The Tribunal considered it had sufficient information on which to make a decision.
6. The Tribunal was satisfied on the basis of the re-inspection that the works required by the RSEO had all been completed. It had been agreed with both parties at the hearing on 1<sup>st</sup> May 2018 that the only items outstanding were the flooring in the upstairs hall and the fence in the back garden. These works had now been done.
7. Whilst the Tenant was now raising additional issues in his response to the re-inspection report, the Tribunal took the view that these would have to form part of a new application to the Tribunal if the Tenant wished to pursue them further particularly as the majority of those highlighted had not been notified to the Landlord in the present application. The Tribunal was satisfied that the issues raised in the present application had been resolved and were compliant with the Repairing Standard. Accordingly the Tribunal determined that a certificate of completion should be issued.
8. The Tribunal would however wish to highlight that in respect of the allegations of water leaking from the bathroom, the Tribunal had found no evidence of this during either re-inspection. During the initial inspection of the property in September 2017 the Tribunal had found leakage to the side of the bath from a faulty shower screen which had been rectified by the replacement of the screen with a shower curtain. It would appear that provided due care is taken when using the shower, there should be no problems with water leakage.
9. The decision of the Tribunal was unanimous.

**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.

Signed

Ruth O'Hare  
Chairperson

25 August 2018

THIS IS THE RE-INSPECTION REPORT REFERRED TO IN  
THE DECISION OF THE TRIBUNAL DATED 25 AUGUST 2018  
Ruth O'Hare CHAIRPERSON

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



**Re-inspection report**

**Date of inspection: 9<sup>th</sup> July 2018**

**Reference Number: FTS/HPC/RP/17/0310**

**Property: 206 Brown Street, Paisley PA1 2SN**

**Surveyor: Colin F Hepburn**

**Access: Access was provided by the tenant, Mr Zain-ud-din Mohammad**

**In attendance: Mr Zain-ud-din Mohammad, the tenant, his son, and Mr Irshad Ahmed, the landlord's representative.**

**Repairing Standard Enforcement Order (RSEO)**

**Whereas in terms of their decision dated 27/11/17 the First-Tier tribunal for Scotland (Housing and Property Chamber) (the Tribunal') determined that the landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (The Act) and in particular that the landlord has failed to ensure that:**

- (a) The house is wind and watertight and in all respects reasonably fit for human habitation; and**
- (b) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.**

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

**The First-Tier Tribunal for Scotland (Housing and Property Chamber) ('The Tribunal') having determined on 11 May 2018 that the RSEO relative to the property dated 27 November 2017 should be varied, the said RSEO is hereby varied with effect from the date of service of this Notice in the following respects:**

**The period allowed for the completion of this work required by the order is extended by a further four weeks from the date of service of this notice.**

**Works required by the RSEO:**

On 1<sup>st</sup> May 2018 the Tribunal carried out a re-inspection of the property.

During the re-inspection the Tribunal examined the items pertaining to the RSEO and noted the following:

- (a) In the kitchen the floor coverings had been replaced. The ceiling light was tested by the Ordinary Member and appeared to be in proper working order. Damp readings taken from the ceiling were normal. The worktop had been replaced and a new kitchen unit installed to support it. The kitchen units appeared to have been replaced. The Ordinary Member examined the pipework under the sink. It appeared dry.
- (b) In the bathroom the shower screen had been removed and replaced with a shower curtain. The nail in the flooring had been removed.
- (c) In the upper landing work had been done to the floorboards however one floorboard had split and required repair.
- (d) The laminate flooring in the bedroom had been repaired.
- (e) No work had been carried out to the fence in the back garden.

**Works in the RSEO undertaken:**

The Tribunal noted that some of the works required by the RSEO had been completed to its satisfaction. It was satisfied that the majority of the items highlighted in the RSEO were now compliant with the Repairing Standard.

There were however two items on the RSEO still outstanding.

- (a) Repairs to the fence had not been carried out.
- (b) The Tribunal considered that further work was required to the floorboards on the upper landing to ensure they were in a reasonable state of repair.

At the date of the re-inspection on the 9<sup>th</sup> July 2018 it was noted that the above items had been repaired.

**Outstanding works:**

In terms of the RSEO dated 27<sup>th</sup> November 2017 there were no outstanding works.

Photographs were taken on the day of inspection and are attached.

Colin F Hepburn MRICS

Date of report: 28<sup>th</sup> July 2018

LANDLORD/HOME OWNER  
GAS SAFETY RECORD

1. LANDLORD/HOME OWNER DETAILS  
2. LANDLORD/AGENT DETAILS  
3. APPLIANCE DETAILS  
4. INSPECTION DETAILS  
5. FLUE TEST  
6. RESULTS  
7. DETAILS OF ANY FAULTS  
8. REMEDIAL ACTION TAKEN  
9. DETAILS OF WORK CARRIED OUT

10. CHECKLIST OF SAFETY CHECKS  
11. NEXT GAS SAFETY CHECK DUE WITHIN 12 MONTHS  
Date: 28/07/18

347046

Hayes

MIRRO ELECTRICIAL INSTALLATION WORK

1. DETAILS OF THE MIRROR WORK  
2. INSTALLATION DETAILS  
3. TESTS  
4. ACCEPTANCE TESTS  
5. DECLARATION

206 BROWN STREET, GANSON, AN DN

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