

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Completion of Work: Housing (Scotland) Act 2006 Section 60

Chamber ref: RP/13/0038

Property: 13a Hunterhill Road, Paisley PA2 6SR ("the Property")

**The Parties: Anthony Walsh, sometime residing at the Property ("the Tenant")
Kirsty (otherwise Kirsten Mabel) Hunter, 13 Hunterhill Road, Paisley PA2 6SR
("the Landlord")**

Tribunal Members:

George Clark (Legal Member)

Kingsley Bruce (Ordinary Member) (Surveyor)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 7 January 2014, has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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.

In witness whereof these presents typewritten on this and the preceding page are executed by George Barrie Clark, solicitor, Lasswade, Legal Member/Chair of the tribunal at Lasswade, Midlothian on 19 January 2020 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

G Clark

_____ Legal Member/Chair

V Clark

_____ witness

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Chamber ref: RP/13/0038

Property: 13a Hunterhill Road, Paisley PA2 6SR ("the Property")

The Parties: Anthony Walsh, sometime residing at the Property ("the Tenant")

Kirsty (otherwise Kirsten Mabel) Hunter, 13 Hunterhill Road, Paisley PA2 6SR ("the Landlord")

Tribunal Members:

George Clark (Legal Member)

Kingsley Bruce (Ordinary Member) (Surveyor)

Decision

The Tribunal determined that all the work required by the Repairing Standard Enforcement Order issued on 7 January 2014 has been carried out and that a Certificate of Completion to that effect should be issued.

Background:

Following an inspection and Hearing on 13 December 2013, the Private Rented Housing Panel (now the First-tier Tribunal for Scotland Housing and Property Chamber ("the Tribunal")) issued a Decision on 7 January 2014 requiring the Landlord to comply with a Repairing Standard Enforcement Order (RSEO) relative to the property. The Panel ordered that the works specified in the RSEO were to be carried out within 22 days of the date of service on the Landlord of the RSEO.

The RSEO stated that:

1. The boiler should be repaired and such other repairs carried out as may be required to render it in a reasonable state of repair and in proper working order so that an adequate supply of heating is delivered to the Property let to the Tenant and obtain an appropriate gas safety certificate, prepared by a suitably qualified engineer.
2. The fridge freezer should be repaired/replaced and written evidence produced from a suitably qualified electrician that it has been tested and the appliance is in a reasonable state of repair and in proper working order.

On 5 February 2014, the Landlord provided the Panel with a quote from British Gas for the installation of a new boiler. She stated that the central heating system was working. On 14 February 2014, the surveyor member of the Panel reinspected the Property and the Panel subsequently decided after a Hearing that the RSEO had not been complied with, its Decision being issued on 29 May 2014. The Panel reported to the local authority and the police the failure to comply with the RSEO.

Thereafter, the Tribunal made efforts to find out whether the work required by the RSEO had been carried out and, on 21 March 2019, having ascertained that ownership of the Property had recently changed, the Tribunal contacted the new owners, Kim Pamela Gordon and Michael Joseph Clancy, both 20 Stewart Drive, Clarkston, Glasgow G76 7EZ to advise them of the restrictions on their use of the Property arising from the existence of the RSEO.

The Ordinary (surveyor) Member of the Tribunal reinspected the Property on 6 December 2019. A copy of his Report is attached to and forms part of this Statement of Decision. He reported that extensive works to the Property were in process of completion, but the fridge freezer had been replaced and the gas central heating system had been removed, with electric room heaters having been installed in all principal areas of the Property. The heating supply was independent from the remainder of the building of which the Property forms part.

On 19 December 2019, the present owners of the Property provided the Tribunal with a copy of a Domestic Installation Certificate covering the full electrical installation in the Property, from SLTEC Electrical, Paisley, dated 19 December 2019. The Certificate found the system to be Satisfactory. The present owners did not provide the Tribunal with a receipt for the purchase of the replacement fridge freezer, but the Tribunal was satisfied that its installation pre-dated the Report from SLTEC Electrical.

Reasons for Decision

The Tribunal is satisfied that all the work required by the Repairing Standard Enforcement Order has been completed.

The Decision of the Tribunal is unanimous.

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.

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Signed .. **G Clark**
Date 19 January 2020

..Legal Member/Chairperson

*This is the Reinspection Report
referred to in the foregoing Statement
of Decision of 19 January 2020*

G Clark

(V) Lloyd Trencher

Housing and Property Chamber
First-tier Tribunal for Scotland



HPC Re-inspection Report

Property: 13a Hunterhill Road, Paisley, PA2 6SR

Ref No: FTS/HPC/RP/13/0038

Surveyor: Kingsley K Bruce, MRICS

Access:

I attended for the purposes of undertaking a re-inspection the property at 13:00 on Friday 6 December 2019.

In Attendance:

The property was vacant and unoccupied, the current owner, Ms Kim Gordon provided access.

Weather:

Conditions were generally dry and bright at the time of my re-inspection.

Requirements of the Repairing Standard Enforcement Order (RSEO):

Following an inspection and hearing on 13 December 2013, the tribunal determined as follows:

"The boiler should be repaired and such other repairs carried out as may be required to render it in a reasonable state of repair and proper working order so that an adequate supply of heat is delivered to the property let to the tenant and obtain an appropriate gas safety certificate, prepared by a suitably qualified engineer.

The fridge freezer should be repaired/replaced and written evidence produced from a suitably qualified electrician that it has been tested and the appliance is in a reasonable state of repair and in proper working order."

Works required by the RSEO which have been undertaken:

The fridge freezer had been replaced.

Electric room heaters had been installed to all principal areas of the property. There was no gas heating system installed and the heating supply was independent from the remainder of the building.

It was evident that extensive works were in process of completion, in addition to those required in terms of the RSEO.

Kingsley K Bruce, MRICS

Member

The First Tier Tribunal for Scotland (Housing and Property Chamber)

17 December 2019

Photographs taken during re-inspection 13 December 2019





