

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Sections 25(1) and 60

44 Robert Street, Stonehaven AB39 2DJ ("the House")

Chamber Ref: FTS/HPC/RP/19/0904

Mr Gordon Dickson ("the Tenant")

Mr Roger Clarke, Mr Roger Martin Clarke, Mrs Carolyn Clarke, Mrs Carolyn Sarah Clarke, c/o Aberdein Considine, 5/9 Bon Accord Crescent, Aberdeen, AB11 6DN; 33 Delamere Road, London, Ealing, W5 3JL; c/o Aberdein Considine, 5/9 Bon Accord Crescent, Aberdeen, AB11 6DN; 33 Delamere Road, London, Ealing, W5 3JL ("the Landlord")

Tribunal Members

**John McHugh, Chairperson
Colin Hepburn, Ordinary (Surveyor) Member**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the work required by the Repairing Standard Enforcement Order dated 6 June 2019 as varied ("the RSEO") had been completed and resolved to issue a Certificate of Completion of Work.

The decision of the Tribunal Members was unanimous.

Background

The RSEO required the Landlord to complete the following work within 42 days of service of the RSEO:

1 Take action to ensure that the House is put into a condition so that it is reasonably free from penetrating dampness. Particular regard should be had to the rooms which have an exterior wall forming part of the south gable and those rooms adjacent to the cracked cast iron downpipe on the opposite side of the building (described at 2 below).

2 to replace the cracked cast iron downpipe which runs on the exterior wall outside the laundry room and bathroom and to ensure that the drain beneath it is running freely

3 To paint or redecorate all areas where water staining is evident to include, in particular: the ceilings in the basement and ground floor kitchens; the small hallway adjacent to the ground floor kitchen; the master front facing bedroom; the front facing dining room (or den); the rear facing music room; the rear facing ground floor bedroom; the basement en suite bathroom; and the rear facing bedroom (which has pink heart wallpaper); and the basement living room.

4 To lay suitable flooring and/or kick boards beneath the new cooker in the ground floor kitchen so that there are no longer exposed floor boards.

5 To repair or replace the games room floor.

6 To decorate the games room so that all wall and ceiling surfaces are finished with a decorated surface.

7 To replace the rotten wood present in the door frame between the games room and the garden.

8 To repair or replace the window in the basement bedroom such that the window is reasonably draught resistant.

9 To ensure that there is effective drainage at the exterior doors at basement level outside both the bedroom and the games room to allow water to run away without ponding against the door and door frames.

Reasons for the Decision

The time period for completing the works was extended until 31 May 2019 by the Tribunal's Decision of 5 Feb 2020. On 4 December 2019, the Surveyor

Clark

J McHugh

John McHugh

Date22 July 2020.....

Chairperson

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

Tribunal Ref: FTS/HPC/RP/19/0904

**RE: All and Whole the dwelling house known as 44 Robert Street, Stonehaven
AB39 2DJ registered in the Land Register and having Title No KNC23341
(hereinafter referred to as “the House”)**

The Parties:

Mr Gordon Dickson (“the Tenant”)

Mr Roger Clarke, Mr Roger Martin Clarke, Mrs Carolyn Clarke, Mrs Carolyn Sarah Clarke, c/o Aberdein Considine, 5/9 Bon Accord Crescent, Aberdeen, AB11 6DN; 33 Delamere Road, London, Ealing, W5 3JL; c/o Aberdein Considine, 5/9 Bon Accord Crescent, Aberdeen, AB11 6DN; 33 Delamere Road, London, Ealing, W5 3JL (“the Landlord”)

Tribunal Members:

John McHugh (Chairman) and Colin Hepburn (Ordinary (Surveyor) Member).

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 dated 6 June 2019 as varied has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

In witness whereof these presents type are executed by John Miller McHugh, solicitor, 65 Haymarket Terrace, Edinburgh, Chairing Member of the Tribunal at Edinburgh on 22 July 2020 before this witness:-

J McHugh

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Chairing Member 22 July 2020