

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 Section 24(1) ('the Act')

Chamber Ref: FTS/HPC/RP/19/0270

Property at 11 Linburn Place, Glasgow G52 4EZ

Land Register Title Number GLA 45785

('the Property')

The Parties:

Ms Sharon Sinclair, 11 Linburn Place, Glasgow G52 4EZ

('the Tenant')

Mrs Silvana Anna Andreuccetti , 23 Burnfield Road, Giffnock, Glasgow G46 7PZ

('the Landlord')

The Tribunal Members:

Joseph C Hughes (Legal Member)

Andrew McFarlane (Ordinary Member/Surveyor)

gts

DECISION:

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having made such enquiries as it saw fit for the purpose of determining whether the Repairing Standard Enforcement Order ('RSEO') relative to the Property, dated 2nd April 2019, should be discharged, determined the RSEO should be discharged.

The Tribunal proceeded to discharge the RSEO and issue a Certificate of Completion.

Background:

1. On 2nd April 2019 the Tribunal issued a Determination that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ('the Act'). On that date the Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property.

2. The RSEO ordered the Landlord to :

- (i) Repair, overhaul or replace seals to opening sash in Kitchen window to ensure that on completion seals are intact and compressed such as to seal the gap between the opening sash and main window frames;
- (ii) Repair, overhaul or replace opening sash in Kitchen window to ensure that on completion sash closes easily and can be secured in closed position;
- (iii) Repair, overhaul or replace connection between WC and soil stack to ensure free from leakage in normal operation;
- (iv) Uplift any remaining damaged floor coverings in the Bathroom: Prepare and lay new floor covering to Bathroom;
- (v) Re-secure bath and seal to surrounding walls;
- (vi) Repair, overhaul or replace opening seals to opening sash in Bathroom window to ensure that on completion seals are intact and compressed such as to seal the gap between the opening sash and main window frames;
- (vii) Repair, overhaul or replace opening sash in Bathroom window to ensure that on completion sash closes easily and can be secured in closed position;
- (viii) Clean off black mould from inner surface of Upstairs Hall cupboard (nearer front and currently shelved) with dilute bleach solution;
- (ix) Strip out discoloured mastic sealant between lower window frame and inner cill board. Clean off black mould growth from surface of window frame and inner cill board with dilute bleach solution. Reform mastic sealant with mould resistant material.

3. Subsequent to the issue of that Order the Property was re-inspected on 19th June 2019. The re-inspection was carried out by Mr Andrew McFarlane, surveyor and Ordinary Member of the Tribunal.

4. A Report of that inspection was produced and circulated to both Parties on 26th June 2019. The majority of the items raised within the RSEO had been completed with only a few items still to be resolved. A copy of the re-inspection Report is annexed hereto.

5. On 10th July 2019 the Landlord intimated that the remaining items had now been attended to. This submission was intimated to the Tenant on 11th July 2019 for comment. No response was received from the Tenant. A further intimation was sent to the Tenant on 1st August 2019 requesting a response no later than 5th August 2019. No response has ever been received from the Tenant.

6. In an email dated 21st August 2019, the Landlord stated that Glasgow City Council had confirmed to her that the Tenant vacated the property on 11th July 2019. The Landlord lodged a copy of the Council Tax Opening Bill confirming said date of vacation. The Tenant failed to intimate to the Landlord her departure from the Property.

7. In all of the circumstances the Tribunal accepts the Landlord's confirmation that the remaining items have now been completed. The Tribunal found the Landlord reliable and credible in her communications with the Tribunal and we concluded that it would not be necessary to arrange a further inspection of the Property in light of the Landlord's confirmation that the remaining items had now been carried out.

Analysis of Decision:

8. The re-inspection visit disclosed that the majority of the works specified in the RSEO had been completed satisfactorily. The Landlord has since confirmed that the remaining items have been attended to. The Tribunal accept her written confirmation. There are no repairs or significant issues outstanding in terms of the RSEO.

9. The Tribunal resumed consideration of the Application and determined that, in view of the re-inspection Report and the further communications from the Landlord confirming that the outstanding items have now been completed, it was not necessary to hold a further hearing. The Tribunal determined to issue a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006 to the effect of discharging the said RSEO.

10. The decision of the Tribunal was unanimous.

Right of Appeal:

11. A landlord, tenant or third party applicant aggrieved by the Decision of the tribunal may seek permission to appeal to the Upper Tribunal 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 thirty days of the date the decision was sent to them.

Effect of Section 63:

12. Where such an Appeal is made, the effect of the Decision and the Order is suspended until the Appeal is abandoned or finally determined by the Upper Tribunal.

Where the Appeal is abandoned or finally determined by confirming the Decision, the Decision and the Order will be treated as having effect from the day on which the Appeal is abandoned or so determined.

J Hughes



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Joseph Christopher Hughes

Legal Member

Housing and Property Chamber

26th August 2019

Housing and Property Chamber First-tier Tribunal for Scotland



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

Re-inspection Report

Chamber Ref: FTS/HPC/RP/19/0270

Property: 11 Linburn Place Glasgow

The Property was re-inspected on 19 June 2019 at 10.00 during a period of dry sunny weather. The Property appeared to be occupied. The Tenant and her mother were present at the time of the re-inspection.

The re-inspection was conducted by Andrew McFarlane Ordinary Member and attended by Eddie Hargen (Landlord's Representative). Michael Colquhoun and Kevin McCusker Tribunal Clerks were also present.



GLASGOW, 26th August 2019

This and the following seven pages
is the Re-Inspection Report referred to
Statement of Decision dated

26th August 2019

FTS HPC RP 19 0270

J Hughes

JH

A Repairing Standard Enforcement Order was previously issued requiring the landlord to :-

- (i) Repair, overhaul or replace seals to opening sash in Kitchen window to ensure that on completion seals are intact and compressed such as to seal the gap between the opening sash and main window frames;
- (ii) Repair, overhaul or replace opening sash in Kitchen window to ensure that on completion sash closes easily and can be secured in closed position;
- (iii) Repair, overhaul or replace connection between WC and soil stack to ensure free from leakage in normal operation;
- (iv) Uplift any remaining damaged floor coverings in the Bathroom: Prepare and lay new floor covering to Bathroom;
- (v) Re-secure bath and seal to surrounding walls;
- (vi) Repair, overhaul or replace opening seals to opening sash in Bathroom window to ensure that on completion seals are intact and compressed such as to seal the gap between the opening sash and main window frames;
- (vii) Repair, overhaul or replace opening sash in Bathroom window to ensure that on completion sash closes easily and can be secured in closed position;
- (viii) Clean off black mould from inner surface of Upstairs Hall cupboard (nearer front and currently shelved) with dilute bleach solution;
- (ix) Strip out discoloured mastic sealant between lower window frame and inner cill board. Clean off black mould growth from surface of window frame and inner cill board with dilute bleach solution. Reform mastic sealant with mould resistant material.

A period of 28 days was given to complete the works. This expired on 7 May 2019.

As a result of the re-inspection the following was found:-

- (i) The seals to opening sash in Kitchen window has been remedied and were noted to be intact and compressed such as to seal the gap between the opening sash and main window frames;
- (ii) The opening sash in Kitchen window had been remedied to permit the sash to close easily and be secured in closed position;
- (iii) Water was noted on the floor of the bathroom whilst the cause could not be determined the WC flushed as expected and water ran away into the drainage system normally. The WC is not free from leakage in normal operation;
- (iv) The remaining damaged floor coverings in the Bathroom had been removed and a new floor covering provided;

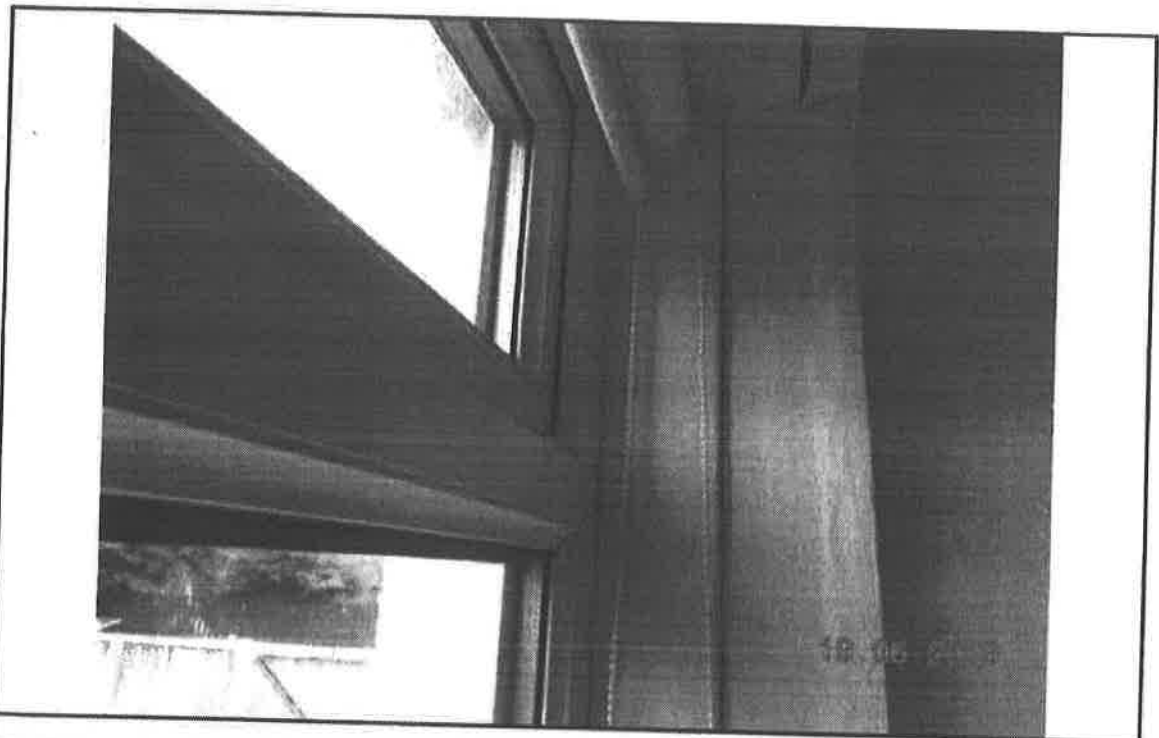
- (v) The bath had been re-secured and sealed to surrounding walls;
- (vi) The seals to opening sash in Bathroom window has been remedied and were noted to be intact and compressed such as to seal the gap between the opening sash and main window frames;
- (vii) The opening sash in Bathroom window had been remedied to permit the sash to close easily and be secured in closed position;
- (viii) The black mould on the inner surface of Upstairs Hall cupboard (nearer front and currently shelved) was still present;
- (ix) The discoloured mastic sealant between lower window frame and inner cill board had been removed. Black mould growth from surface of window frame and inner cill board had been removed. The mastic sealant had been re-formed.

This report comprises this page, the preceding two pages and nine photographs.

A McFarlane

Andrew McFarlane FRICS
Ordinary Member
19 June 2019





1. Kitchen window



2. Kitchen window



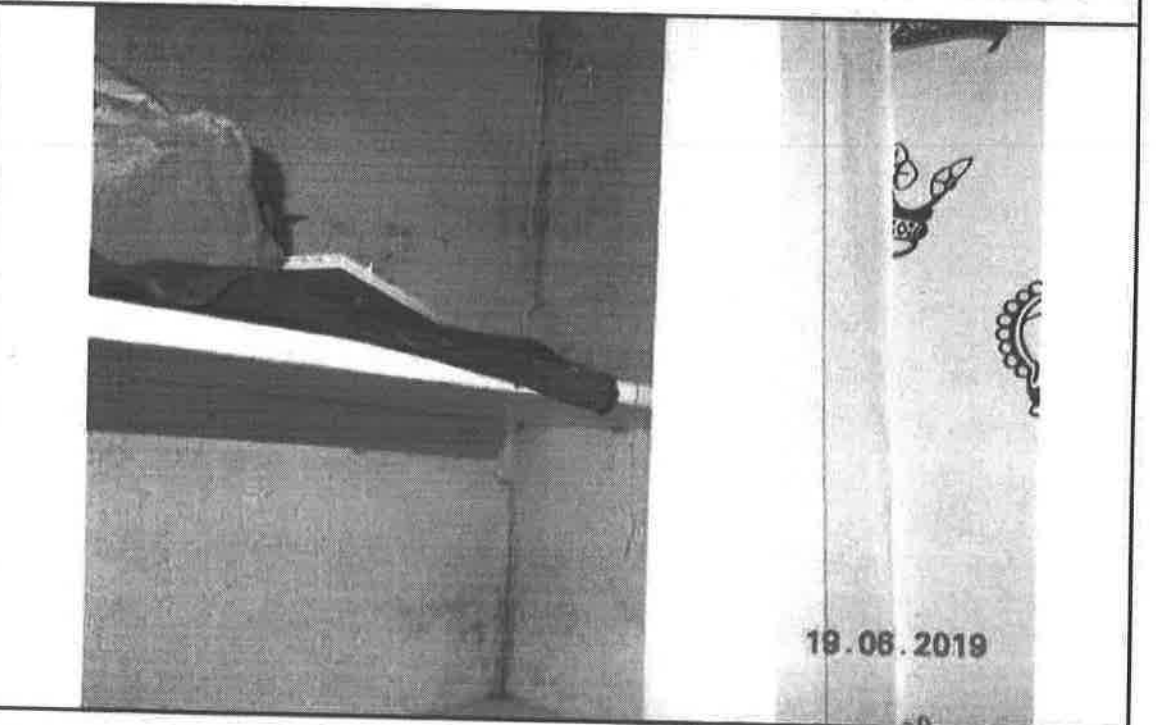
3. WC with water on floor and new floor covering



4. Bath



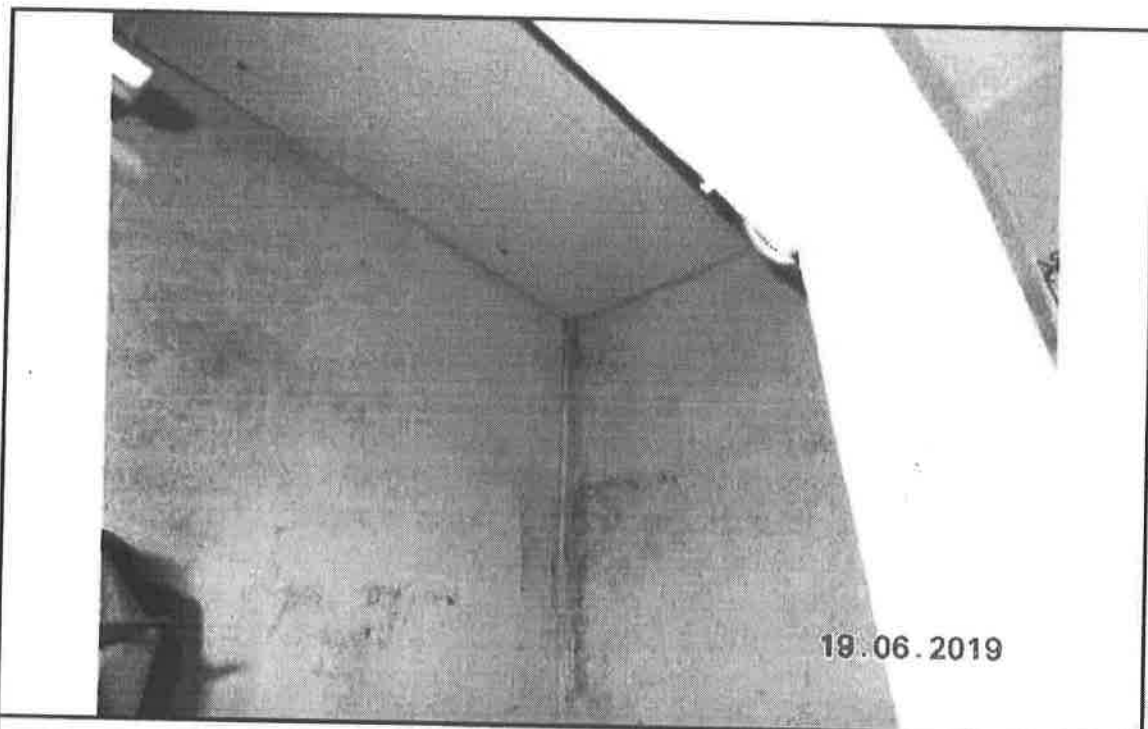
5. Bathroom window



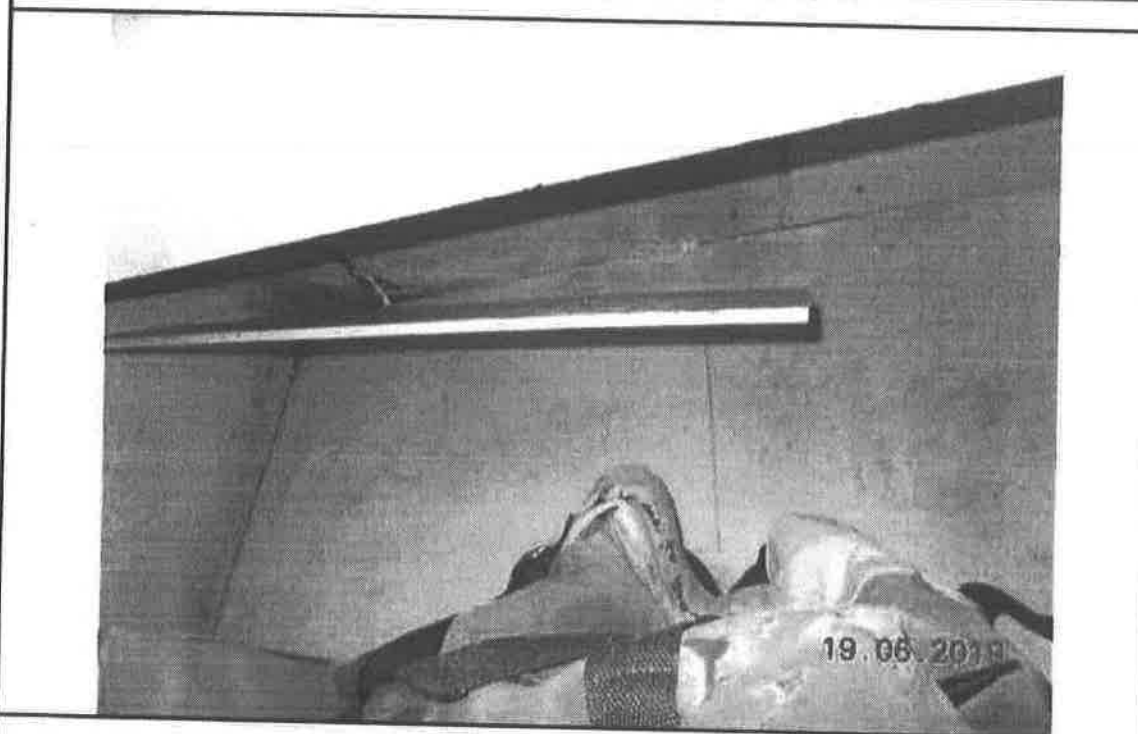
6. Upstairs Hall cupboard

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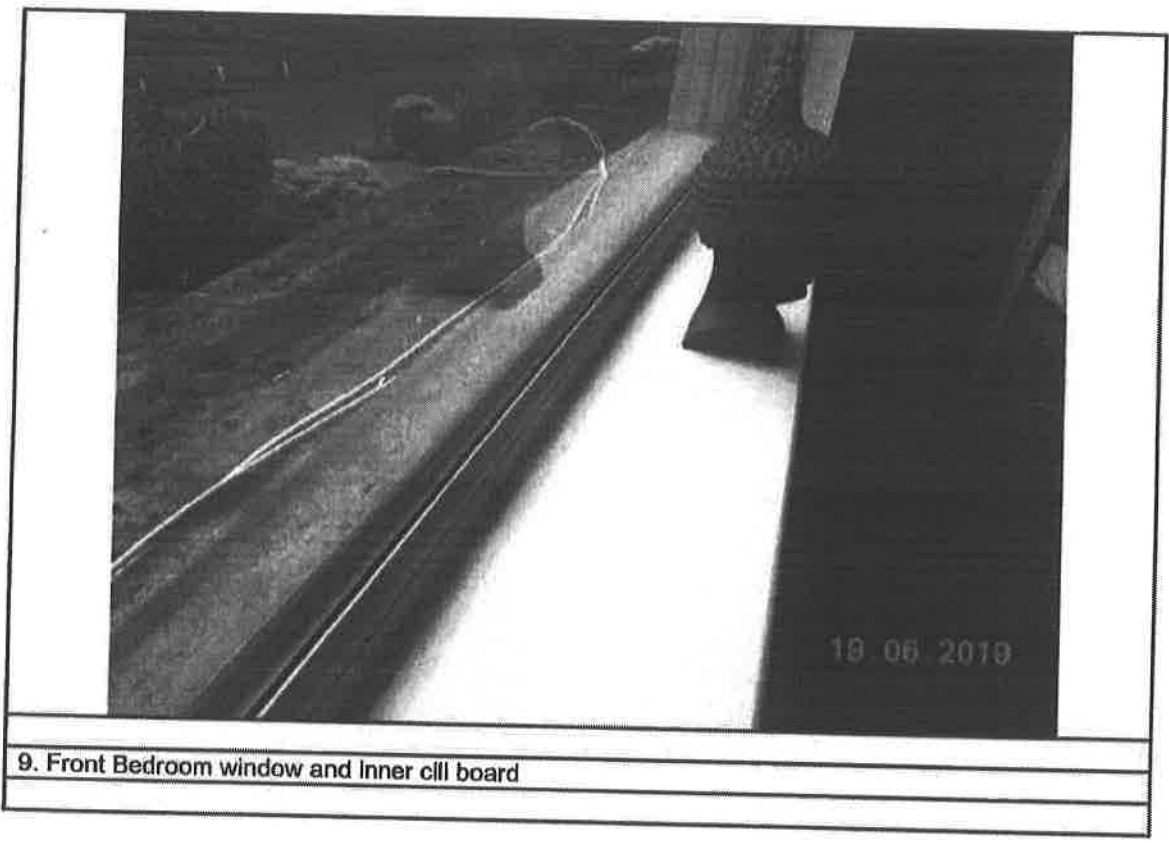


7. Upstairs Hall cupboard



8. Upstairs Hall cupboard

Handwritten signature or initials



John W.