

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement relative to Certificate of Completion of Work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal')

Under section 60 of the Housing (Scotland) Act 2006

Case Reference Number: FTS/HPC/RP/19/1210

Re: Flat 3/1, 53 Randolph Road, Glasgow G11 7JJ ("the house")

Land Register Title No: GLA28793

The Parties:-

Dr Kevin Hart, formerly residing at the house ("the former tenant")

Ms Nicola Walsh and Ms Zoe Diamond, c/o Newton Letting, 87 Port Dundas Road, Glasgow G4 0HF ("the landlords")

Tribunal Members – Sarah O'Neill (Legal Member) and Lori Charles (Ordinary Member, Surveyor)

Background

1. The tribunal issued a decision on 28 June 2019 requiring the landlords to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property issued by the tribunal on the same date. The RSEO required the landlords to:
 1. Ensure that any necessary works are carried out to the common stair walls to ensure that they are wind and watertight and in a reasonable state of repair and in proper and safe working order.
 2. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

The tribunal ordered that the works specified in this order must be carried out and completed within the period of **three months** from the date of service of the RSEO.

2. Due to an administrative error, a letter was sent to the parties on 5 July 2019 enclosing the decision only, and not the RSEO. The letter incorrectly stated that the tribunal had found that the landlords had complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006.
3. The administrative error came to light in November 2019. The tribunal administration wrote to the parties on 13 November 2019 advising them of the error, enclosing a copy of the RSEO and asking them to confirm whether the works required by the RSEO had been completed.
4. On 18 November 2019, an email was received from the landlords' representative, Mr Ricardo Giovanacci of Newton Letting, forwarding an email from Macfie and Co, the property factor for the building, which had been sent to the landlords on the same date. In this email, the property factor confirmed that the works had been completed in October 2019, but the finish after painting the repaired areas was poor. The property factor had therefore requested permission from the communal insurers to have the walls repainted and was awaiting confirmation of this in order to proceed with the redecoration work.
5. As the RSEO had not been issued until 13 November 2019, the period of three months for completion of the works ended on 13 February 2020. The tribunal administration wrote to both parties on 11 February 2020 advising them that a re-inspection would be carried out by the tribunal on 28 February 2020. No response was received from the former tenant, and the landlord's agent confirmed in a telephone call to the tribunal administration that the former tenant had moved out of the property in August 2019.
6. The ordinary (surveyor) member of the tribunal carried out a re-inspection of the house on 28 February 2020. A copy of her re-inspection report dated 28 February 2020 is attached to this statement of reasons. She found that all of the works required by the RSEO had been completed. A copy of the re-inspection report was sent to the landlords on 3 March 2020, asking them to confirm whether they agreed with the findings of the re-inspection report. A response was received from Mr Giovanacci on behalf of the landlords on 5 March 2020 confirming that they agreed with the findings of the re-inspection report.
7. The tribunal therefore determined on the basis of all the evidence before it that the works required by the RSEO have been completed satisfactorily, and that the appropriate Certificate of Completion in terms of section 60 of the Act should be issued.

Rights 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.

Sarah O'Neill

Signed....

Sarah O'Neill, Chairperson

.....Date.....12/3/20.....

Housing and Property Chamber First-tier Tribunal for Scotland



Date of Inspection – 28th February 2020 at 10:00am

Property Reference – FTS/HPC/RP/19/1210

Property Address – Flat 3/1 53 Randolph Rd Glasgow G11 7JJ

Surveyor – Lori Charles

Previous Inspection – 26th June 2019

Access – Mr Riccardo Giovanacci - Landlords representative

Weather – Cold/dry

This is the re-inspection report dated 28 February
2020 referred to in the foregoing statement of

decision dated 12 March 2020

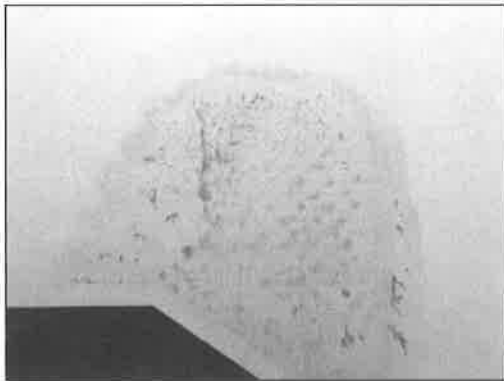
Sarah O'Neill

Repairing Standard Enforcement Order (RSEO) dated 28th June 2019

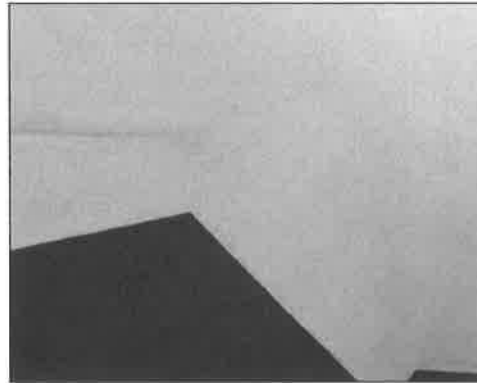
In particular, the tribunal requires the landlords to:

1. Ensure that any necessary works are carried out to the landing walls to ensure that they are wind and watertight and in a reasonable state of repair and in proper and safe working order.
2. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

Common stairwell



Picture taken 26th June 2019



Picture taken 28th February 2020

The area of water penetration within the common close has dried out and has been redecorated.



Picture taken 26th June 2019



Picture taken 28th February 2020

Moisture reading was fluctuating between amber and green this suggests that the common close wall is drying out and is nearly within a normal range.

The common close walls damaged by water penetration from flat 3/1 have been redecorated.

Comments: This report will be submitted to the First Tier Tribunal for Scotland (Housing Property Chamber) for their decision.

Lori Charles BSc Hons MRICS

Lori Charles

Ordinary Member (Surveyor)

Date 28th February 2020

Schedule of photographs taken by the Ordinary Member of the First Tier Tribunal for Scotland (Housing and Property Chamber).

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