

# 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: PRHP/16/0085**

**Flat at 18A High Street, Dingwall, Ross-shire, IV15 9RU being part of the subjects described in Disposition by the executors of Mohamed Gulamhuseln Gulamabbas in favour of Mohamed Ali Mohamed dated 4<sup>th</sup> and recorded in the Division of the General Register of Sasines for the County of Ross and Cromarty on 6<sup>th</sup> June 2009 (Search Sheet Number 9567) ('the House')**

**House address: 18A High Street, Dingwall, Ross-shire, IV15 9RU**

**The Parties:-**

**Mr Liam Maguire, 18A High Street, Dingwall, Ross-shire, IV15 9RU ('the Tenant')**

**G&M Properties, 19 Queensgate Business Centre, Fraser Street, Inverness, IV1 1DW ('the Landlord')**

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 House dated 13<sup>th</sup> December 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the House has been discharged.

**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.**

In terms of Section 63 of the Act, 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 Helen Forbes, solicitor, chairperson of the tribunal at Inverness on 30<sup>th</sup> October 2017 before this witness:-

**H Forbes**

Chairperson

Witness

Name of witness: Mrs Margaret Forbes

Address of witness: 67B Glenurquhart Road, Inverness, IV3 5PB

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### **DETERMINATION BY FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)**

**Statement relative to the Certificate of Completion of work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60 of the Housing (Scotland) Act 2006**

**Chamber Ref: PRHP/RP/16/0085**

**Flat at 18A High Street, Dingwall, Ross-shire, IV15 9RU being part of the subjects described in Disposition by the executors of Mohamed Gulamhusein Gulamabbas in favour of Mohamed Ali Mohamed dated 4<sup>th</sup> and recorded in the Division of the General Register of Sasines for the County of Ross and Cromarty on 6<sup>th</sup> June 2009 (Search Sheet Number 9567) ('the House')**

**House address: 18A High Street, Dingwall, Ross-shire, IV15 9RU**

**The Parties:-**

**Mr Liam Maguire, 18A High Street, Dingwall, Ross-shire, IV15 9RU ('the Tenant')**

**G&M Properties, 19 Queensgate Business Centre, Fraser Street, Inverness, IV1 1DW ('the Landlord')**

### **Decision**

1. Further to a decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) dated 13<sup>th</sup> December 2016, the Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property. The members of the Tribunal were Helen Forbes, Legal Member, and Mark Andrew, Ordinary Member. Within eight weeks of the date of service of the RSEO, the Landlord was required to:-
  1. Repair or replace the windows throughout the House to ensure that:
    - (a) all window panes are fully glazed;
    - (b) all windows open and close in a proper manner;
    - (c) all windows are draught-proofed, and fully wind and water-tight.
  2. Install satisfactory thermal insulation in the loft of the House;

3. Produce a satisfactory electrical safety certificate from a suitably qualified and registered SELECT or NICEIC electrical contractor on the installation within the House for the supply of electricity
2. A re-inspection of the House was scheduled for 16<sup>th</sup> May 2017. The Ordinary Member attended at the House on that date to carry out a re-inspection to verify that the works had been carried out. The Ordinary Member was not granted access to the House on that date. The Ordinary Member was able to ascertain from outside the House that the window repairs had not been carried out.
3. On 17<sup>h</sup> May 2017, the Ordinary Member produced a report with photographs for the Tribunal. Said report with photographs is produced as relative hereto (Appendix 1).
4. A re-inspection of the House was scheduled for 12<sup>th</sup> July 2017. The Ordinary Member attended at the House on that date to carry out a re-inspection to verify that the works had been carried out. The repairs referred to in paragraphs 1 and 2 of the RSEO had not been carried out to meet the repairing standard. The certificate required at paragraph 3 of the RSEO was produced.
5. On 14<sup>th</sup> July 2017, the Ordinary Member produced a report with photographs for the Tribunal. Said report with photographs is produced as relative hereto (Appendix 2).
6. A re-inspection of the House was scheduled for 12<sup>th</sup> September 2017. The Ordinary Member attended at the House on that date to carry out a re-inspection to verify that the works had been carried out. All repairs had been carried out to meet the repairing standard.
7. On 15<sup>th</sup> September 2017, the Ordinary Member produced a report with photographs for the Tribunal. Said report with photographs is produced as relative hereto (Appendix 3).
8. Thereafter, the Tribunal considered whether or not it was appropriate to find that the works required by the RSEO had been completed and the appropriate Certificate of Completion in terms of section 60 of the 2006 Act should be issued. The Tribunal agreed that the appropriate Certificate should be issued.

### **Right of Appeal**

9. **In terms of Section 46 of the Tribunals (Scotland) Act 2014, 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 within 30 days of the date the decision was sent to them.**

### **Effect of section 62 of the 2006 Act**

10. 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 decisions and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

**H Forbes**

Chairperson and Legal Member

Date: 30<sup>th</sup> October 2017

*This is the re-inspection report dated 17th May referred to in the foregoing statement dated 30th October, Two thousand and sixteen*

APPENDIX 1

**H Forbes**, *Legal Member and Chairperson*  
**First-tier Tribunal for Scotland Housing and Property Chamber**

### **Re-inspection report**

**Date of inspection: 16<sup>th</sup> May 2017**

**Reference Number: RP/16/0085**

**Property: 18A High St. Dingwall, IV15 9RU**

**Surveyor: M H T Andrew**

**Access: None given – The Landlord’s agent claimed that the tenant has left the property and has not returned the key and they do not have a spare key. The Landlord’s agent did not attend at the re-inspection but telephoned me after the inspection had taken place.**

**In attendance: N/A**

**Repairing Standard Enforcement Order (RSEO) 13<sup>th</sup> December 2016**

#### **Works required by the RSEO:**

- 1. Repair or replace the windows throughout the House to ensure that;  
(a) All window panes are fully glazed  
(b) All windows open and close in a satisfactory manner  
(c) All windows are fully draught-proofed, and fully wind and water tight.**
- 2. Install satisfactory thermal insulation in the loft of the House.**
- 3. Produce a satisfactory electrical safety certificate from a suitably qualified and registered SELECT or NICEIC electrical contractor on the installation within the House for the supply of electricity.**

#### **Works in the RSEO undertaken:**

**No internal inspection could take place because no access was provided the tenant having left the property without returning the key to the Landlord.**

**However from the street outside it was possible to see that no repairs had taken place.**

**The windows facing onto the High Street are broken. One large pane is cracked and held together with sticky tape. One small top pane has a large hole covering about half the pane missing. The pane is covered by a board fitted internally.**

**The draught-proof strip to the top of the kitchen window has come adrift and is hanging loose.**

**This damage can be seen from outside the property**

**The Landlord's agent advised that no repairs had taken place since the initial inspection.**

**No Electrical Safety report has been received.**

**Outstanding works:**

**All**

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

**M H T Andrew FRICS**

**17<sup>th</sup> May 2017**



Front elevation of 1<sup>st</sup> floor flat from High St.



Close up of damaged window. Cracked central pane and broken top right pane.





Close up of kitchen window with top draught proof strip out of position and adrift.

This is the re-inspection report dated 14th July 2017 referred to in the foregoing Statement dated 30th October, Two Thousand and seventeen

APPENDIX 2

H Forbes

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

*Legal Member  
and Chairperson*

### **Re-inspection report**

**Date of inspection: 12<sup>th</sup> July 2017**

**Reference Number: RP/16/0085**

**Property: 18A High St. Dingwall, IV15 9RU**

**Surveyor: M H T Andrew**

**Access: From Landlord's Agents.**

**In attendance: Melanie Dewhirst and Sharon Scott (Landlord's Agents)**

**Repairing Standard Enforcement Order (RSEO) 13<sup>th</sup> December 2016**

#### **Works required by the RSEO:**

1. Repair or replace the windows throughout the House to ensure that;
  - (a) All window panes are fully glazed
  - (b) All windows open and close in a satisfactory manner
  - (c) All windows are fully draught-proofed, and fully wind and water tight.
2. Install satisfactory thermal insulation in the loft of the House.
3. Produce a satisfactory electrical safety certificate from a suitably qualified and registered SELECT or NICEIC electrical contractor on the installation within the House for the supply of electricity.

#### **Works in the RSEO undertaken:**

##### **1. Windows**

(a) The Living room window facing on to the High Street has been repaired with new glazing to the broken and damaged panes. The opening sections have draught proof strips and working window bolts.

(b) The Bedroom window has not been replaced but a new window is 'on order'. The existing window does not close properly, is insecure and has a gap around the left hand edge which admits draughts.

As a consequence this item fails to meet the repairing standard.

## **2. Insulation**

**(a) The loft space above the entrance hallway has been insulated with fibre glass quilt between the rafters.**

**(b) The loft above the sitting room and bedroom which is mainly floored has had insulated pushed into the gaps where there are missing floor boards. There is no insulation below the floor boards.**

**As a consequence this item fails to meet the repairing standard and is below the tolerable standard.**

## **3. Electrical Report.**

**The Landlord's Agents have provided an Electrical Installation Condition Report provided by their electrician. This follows the system used by SELECT. The report indicates that the electrical installation is in good working order.**

### **Outstanding works:**

**The bedroom window to be replaced and the loft above the living room and bedroom to be insulated.**

### **Note**

**It was noted at the inspection that there is no heat alarm in the kitchen and that the smoke detector in the living room has been taken down presumably whilst the property is being redecorated.**

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

**M H T Andrew FRICS**

**14<sup>th</sup> July 2017**

18a High Street, Dingwall, IV15 9 RU



Living Room window onto High Street – fully glazed and working windows



Bedroom window in closed position – catch failed and wide gap to left hand side

18a High Street, Dingwall, IV15 9 RU



Bedroom window left side showing gap at base level

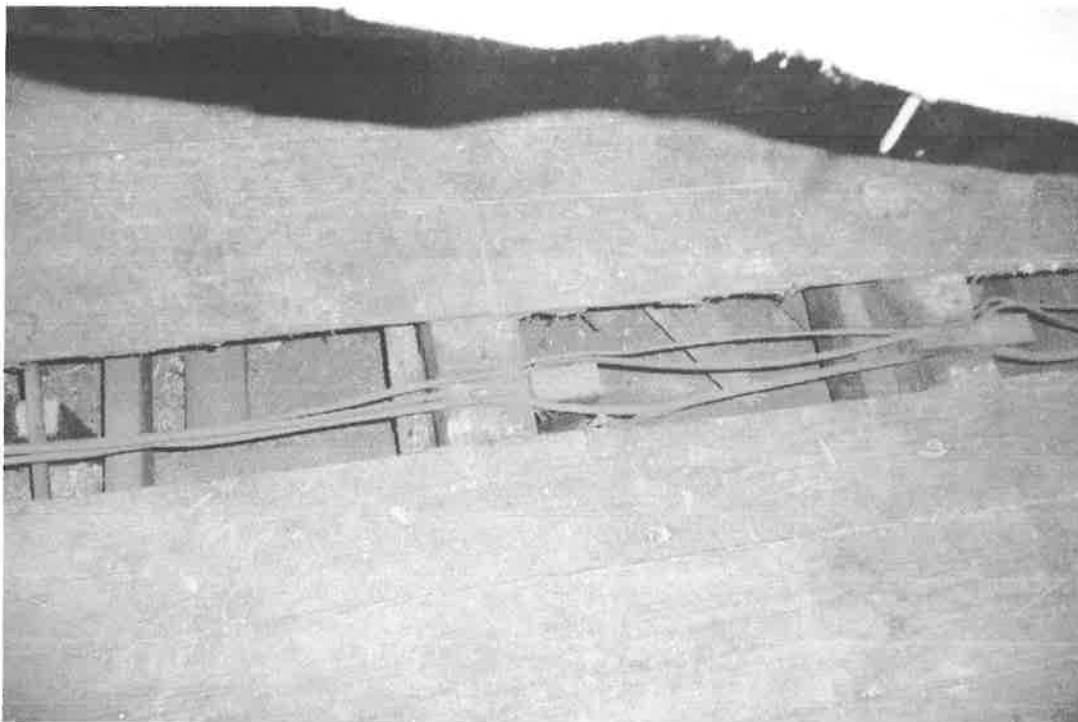


Insulation of space above entrance corridor

18a High Street, Dingwall, IV15 9 RU



Insulation of loft showing glass quilt forced into gaps between boards



Loft floor – no insulation under floor boards

Photographs taken on 12<sup>th</sup> June 2017 by M H T Andrew FRICS

This is the re-inspection report dated 15th September 2017 referred to in the foregoing statement dated 30th October Two thousand and seventeen

APPENDIX 3

H Forbes

Legal Member  
and Chairperson

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

### **Re-inspection report**

**Date of inspection: 12<sup>th</sup> September 2017**

**Reference Number: RP/16/0085**

**Property: 18A High St. Dingwall, IV15 9RU**

**Surveyor: M H T Andrew**

**Access: From Landlord's Agents.**

**In attendance: Melanie Dewhirst (Landlord's Agent)**

**Repairing Standard Enforcement Order (RSEO) 13<sup>th</sup> December 2016**

#### **Works required by the RSEO:**

- 1. Repair or replace the windows throughout the House to ensure that;  
(a) All window panes are fully glazed  
(b) All windows open and close in a satisfactory manner  
(c) All windows are fully draught-proofed, and fully wind and water tight.**
- 2. Install satisfactory thermal insulation in the loft of the House.**
- 3. Produce a satisfactory electrical safety certificate from a suitably qualified and registered SELECT or NICEIC electrical contractor on the installation within the House for the supply of electricity.**

#### **Works in the RSEO undertaken:**

##### **1. Windows**

- (a) The Living room window facing on to the High Street has been repaired with new glazing to the broken and damaged panes. The opening sections have draught proof strips and working window bolts.**
- (b) The Bedroom window has been replaced. A new UPVC window with working opening light has been fitted and sealed with expanding foam. This item now meets the repairing standard.**

## **2. Insulation**

**(a) The loft space above the entrance hallway has been insulated with fibre glass quilt between the rafters.**

**(b) The floor of the loft above the sitting room and bedroom has been lifted and quilt insulation laid between the floor joists throughout the loft area.**

**This item now meets the repairing standard.**

## **3. Electrical Report.**

**The Landlord's Agents have provided an Electrical Installation Condition Report provided by their electrician. This follows the system used by SELECT. The report indicates that the electrical installation is in good working order.**

### **Outstanding works:**

**None**

### **Note**

**It was noted at the inspection that there is no heat alarm in the kitchen and that the smoke detector in the living room has been taken down presumably whilst the property is being redecorated.**

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

**M H T Andrew FRICS  
15<sup>th</sup> September 2017**



18A High St Dingwall – Photographs taken on 12<sup>th</sup> September 2017



Bedroom window – replacement UPVC unit



Insulated loft space. All floorboards have been lifted and quilt insulation laid between joists