

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/RP/16/0292

Sasines Description: The Property known as ALL and WHOLE the dwelling house known as and forming 35 Restalrig Road, Leith, Edinburgh EH6 8BD, all as more particularly described in the Disposition by William Baldie in favour of Alexander Inglis dated 16th October 1928, and recorded in the Division of the General Register of Sasines for the County of Midlothian on 19 October 1928.

("The House")

The Parties:-

Miss Joanne Frizzel, formerly 35 Restalrig Road, Edinburgh EH6 8BD

("the Former Tenant")

G & L Properties, Mr Giovanni Battista Cortellessa and Gina Linda Cortellessa, 3A Jordan Lane, Edinburgh EH10 4RB; 79 Collington Road, Edinburgh EH10 5DF; 3 Jordan Lane, Edinburgh EH10 4RB

("the Landlords")

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 sent on 20th December 2016 (as varied) 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 witness whereof these presents type written on this and the preceding page are executed by Rory A B Cowan, solicitor, 16 Royal Exchange Square, Glasgow G1 3AG, chairperson of the tribunal at Glasgow on 1st November 2017 before this witness:-

— witness
ANDREW PIRIE name in full

16 ROYAL EXCHANGE SQUARE Address

GLASGOW

GI 3AG

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 25(1) & 60

Chamber Ref: PRHP/RP/16/0292

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("the Landlords")

Tribunal Members

Rory A B Cowan, Chairperson
Robert Buchan, Ordinary (Surveyor) Member

Decision

The First-tier Tribunal for Scotland: Housing and Property Chamber (the Tribunal), having carried out a further inspection of the House, determined that the work required by the Repairing Standard Enforcement Order (RSEO) had been completed and resolved to issue a Certificate of Completion.

The decision of the Tribunal was unanimous.

Background

The original RSEO required the Landlord to complete the following work within 4 months of the service of the RSEO:

- 1) To instruct specialist damp contractors to inspect the exterior and interior (including the sub-floor) to ascertain the extent and cause of the dampness affecting the rear of the Property including the kitchen, main bathroom and back bedroom. To carry out all works identified in the specialist report in order to ensure that the Property is wind and water tight and in all other respects reasonably fit for human habitation and that the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order. The specialist contractor's report and all invoices for work carried out to be sent to the office of the First-tier Tribunal: Housing and Property Chamber.
- 2) To repair or replace the drains, gutters and external pipes to ensure they are in a reasonable state of repair and in proper working order.
- 3) To repair or replace the front door to the Property to ensure that the Property is wind and water tight and in all other respects reasonably fit for human habitation.
- 4) To repair or replace the gas hob within the kitchen of the Property to ensure that it is in a reasonable state of repair and in proper working order.

In the RSEO the House was referred to as the "Property".

Following a variation request from the Landlords, the period for completion of the works was increased to a total of 7 months from the date of service of the RSEO.

Following a subsequent variation request, the requirement to repair or replace the gas hob (number 4) above) was deleted from the RSEO.

Reasons for the Decision

On 3rd July 2017, the Ordinary/Surveyor Member of the Tribunal carried out a re-inspection of the House.

At re-inspection it was noted as follows:

- That the Landlords had instructed specialist damp contractors who had reported on the issues of damp within the House and works had been undertaken to remedy the cause of that damp. In particular, the bathroom wall adjoining the rear bedroom had been stripped and re-lined, part of the rear bedroom wall had been stripped and re-plastered and new flooring laid in the rear bedroom.
- That there had been an issue with the downpipes to the rear of the House and contractors had been instructed to clear same. That the rear wall to the House

had been repointed, vegetation removed and that the rear masonry was noticeably drier than on original inspection.

- That a new threshold draught-proofing strip had been applied to the front door.
- That the gas hob had been removed and a new kitchen had been installed.

A copy of the re-inspection report dated 3rd July 2017 is attached to this decision.

Subsequent to the re-inspection, further information was provided by the Landlords to confirm that the affected areas of the House had been redecorated and invoices supplied to confirm the work to the down pipe.

The Landlords have therefore completed all the works required by the RSEO (as varied).

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.

Signed:

Rory A B Cowan

Date:

1st November 2017

Chairperson

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) Housing (Scotland) Act 2006 Property Re-inspection Report



Property address: 35 Restalrig Road, Leith, Edinburgh, EH6 8BD

Chamber Reference Number: PRHP/RP/16/0292

Date of re-inspection: 3rd July 2017

Surveyor: Mr R Buchan, FRICS

Circumstances of inspection: Dry following an unusually wet month. The property was vacant. A full inspection was provided.

In attendance: Mr Giovanni Battista Cortellessa, (landlord), and Mr Davide Perella, (son-in-law).

*This is the re-inspection report signed by me the
surveyor dated 14 November 2017*

R Cowan

Repairing Standard Enforcement Order (RSEO)

An RSEO was served on the landlords per Linda Cortellessa of G & L Properties, Jordan Lane, Edinburgh, EH10 4RB on the 20th December 2016 following an inspection and hearing of the Tribunal on 6th December 2016.

The Landlords were required to carry out the following work under the terms of the RSEO:

- 1) To instruct specialist damp contractors to inspect the exterior and interior (including the sub-floor) to ascertain the extent and cause of the dampness affecting the rear of the Property including the kitchen, main bathroom and back bedroom. To carry out all works identified in the specialist report in order to ensure that the Property is wind and water tight and in all other respects reasonably fit for human habitation and that the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order. The specialist contractor's report and all invoices for work carried out to be sent to the office of the First-tier Tribunal: Housing and Property Chamber.
- 2) To repair or replace the drains, gutters and external pipes to ensure they are in a reasonable state of repair and in proper working order.
- 3) To repair or replace the front door to the Property to ensure that the Property is wind and water tight and in all other respects reasonably fit for human habitation.
- 4) To repair or replace the gas hob within the kitchen of the Property to ensure that it is in a reasonable state of repair and in proper working order

Works undertaken

a). Gareth Carr of Wise Property Care, specialist contractors, inspected part of the interior of the property on the 22nd March 2017 and his report was sent to the office of the Housing and Property Chamber. This limited report indicated that the dampness in the back bedroom was caused by leakage from the adjoining bathroom, referred to as a shower-room in the report.

Mr Cortellessa advised that it had been discovered that there had been a problem with the drainage, which he believed had been caused by the tenant. The bathroom wall adjoining the bedroom has been stripped and re-lined, part of the bedroom wall has been stripped and re-plastered and new flooring has been laid in the bedroom.

Modest instrumental moisture meter readings were noted in these areas suggesting that these areas are drying out.

b). Mr Cortellessa advised that work was undertaken to the common drains and rainwater disposal system at the rear. Parts of the back wall have been re-pointed, vegetation has been removed and it is immediately noticeable that the masonry is

drier than when inspected in December. Modest instrumental moisture meter readings were noted inside the kitchen window consistent with this area drying out.

c). A new threshold draught-proofing strip has been applied to the front door.

d). The gas hob has been removed and new kitchen units have been installed.

Outstanding works

Invoices for the works undertaken have not been sent to the Housing and Property Chamber but this may be because they have not yet been sent to the landlords by the contractor.

Additional note

Regarding the Observations made during the December inspection, although not part of the RSEO, the following comments are made;

New shower doors have been fitted in the en-suite shower-room.

Mr Cortellessa advised that the double glazed unit in the back bedroom which had been found to be misted during the inspection in December, is about 2 years old and under guarantee. There was no misting noticeable during the re-inspection.

The installation for detecting fires and for giving warning in the event of fire or suspected fire has not yet been brought up to current standards.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

R Buchan FRICS
3rd July 2017

Schedule of photographs attached to re-inspection report
PRHP/RP/16/0292: 35 Restalrig Road, Leith, Edinburgh, EH6 8BD



Rear of the flat



Inside the kitchen window

Schedule of photographs attached to re-inspection report
PRHP/RP/16/0292: 35 Restalrig Road, Leith, Edinburgh, EH6 8BD



Back bedroom



Damp meter reading

Schedule of photographs attached to re-inspection report
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Bathroom

Schedule of photographs attached to re-inspection report
PRHP/RP/16/0292: 35 Restalrig Road, Leith, Edinburgh, EH6 8BD



New draught proofing strip at front door threshold



Gas hob removed. New kitchen units