



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/20/2403

Re: 18 South Back Road, Biggar, South Lanarkshire ML12 6AD ("the Property")

Parties:

Ms Yvonne McGregor, sometime residing at 18 South Back Road, Biggar, South Lanarkshire ML12 6AD ("the Tenant")

Mrs Gillian McDonald, 184 High Street, Biggar, South Lanarkshire ML12 6AD (represented by Limehouse Ltd, 116 High Street, Biggar, South Lanarkshire ML12 6DH) ("the Landlord")

Tribunal Members - George Clark (Legal Member/Chairperson) and Kingsley Bruce (Ordinary Member/Surveyor)

Decision

The Tribunal decided that the works required by the Repairing Standard Enforcement Order issued on 13 July 2021, have been completed and that a Certificate of Completion of Works should be issued in terms of Section 60 of the Housing (Scotland) Act 2006

Background

On 13 July 2021, the Tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the Property. The Order required the Landlord:

- 1) To instruct a reputable firm of damp and timber specialists to inspect, investigate and to provide a report in relation to remedial works required to address timber defects and damp issues affecting the front left room/kitchen, the right hand/gable wall of the front right room and the window wall of the room mid left of the property and to exhibit said report to the Tribunal within a period of 30 days of the date of this Order.**
- 2) To carry out such remedial works as recommended in said report and in the report prepared by Richardson & Starling dated 5 February 2021 within a period of six months from the date of service of the Notice.**
- 3) To instruct a reputable roofing contractor to inspect the gutter abutting the rear wall of the property and to provide a written report on any remedial works required to prevent water ingress and to exhibit the report to the Tribunal within 30 days of the date of this Order.**

- 4) To carry out any repairs recommended by the roofing contractor within a period of six months from the date of service of this Notice.

On 15 October 2021, the Tribunal reinspected the Property. The Tribunal was satisfied that most of the requirements of the RSEO had been met, but noted indications of dampness from floor to ceiling to the left hand side of the window in the room mid left. In relation to the previously identified dampness to the lower wall along the front elevation in the kitchen, the external render below the window had been replaced, but there was no evidence of work having been carried out internally, although damp meter readings in the affected area were within an acceptable range.

Subsequent to the reinspection, the Landlord's representatives provided the Tribunal with a report dated 24 October 2021 from Curol Ltd, Lanark, with recommendations for the treatment of penetrating damp in the kitchen, the room mid left and the rear dividing stud wall.

The Tribunal inspected the Property again on the morning of 21 January 2022. A Schedule of Photographs, taken at the inspection, is annexed to and forms part of this Decision.

The Tribunal found evidence of further work having been carried out since its reinspection on 15 October 2021. In the room mid left, works to address issues of dampness, noted previously, had been undertaken. Readings taken with an electronic moisture meter were within an acceptable range, indicating that there was no evidence of significant dampness at the time of inspection. In the kitchen or room front left, works to address issues of dampness, noted previously, had been undertaken. Readings taken with an electronic moisture meter were within an acceptable range, indicating that there was no evidence of significant dampness at the time of inspection. In addition, repairs to roughcast render finishes to the left-hand gable had been undertaken.

Reasons for Decision

The Tribunal noted that redecoration was incomplete and that the kitchen fittings were in course of replacement, but was satisfied that the work required by the Order had been carried out and decided that a Certificate of Completion of Works should be issued.

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.

Clark

Legal Member

24 January 2022
Date

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: FTS/HPC/RP/20/2403

Sasine Description: All and Whole the subjects known as Rose Cottage, South Back Road, Biggar, in the County of Lanark, being the subjects more particularly described in Notarial Instrument in favour of the Trustees of James Masterton, recorded in the Division of the General Register of Sasines applicable to the County of Lanark on 2 October 1901

Property: 18 South Back Road, Biggar, South Lanarkshire ML12 6AD ("the Property")

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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 made on 13 July 2021 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the Property has been discharged.

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.

IN WITNESS WHEREOF these presents typewritten on this and the preceding page are executed by George Barrie Clark, Legal Member/Chair, at Lasswade on 24 January 2022 before this witness Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian.

Clark

.....Legal Member/Chai

