

# Housing and Property Chamber First-tier Tribunal for Scotland



**First-tier Tribunal for Scotland (Housing and Property Chamber),**  
statutory successor to the Private Rented Housing Committee in terms of the Tribunals  
(Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the  
Private Rented Housing Committees) Regulations 2016

**Certificate of Completion of Work under Section 60 of the Housing (Scotland)  
Act 2006 as amended ("the Act")**

**In connection with**

**Property at 3/L 37 Provost Road, Dundee DD3 8AF  
(hereinafter referred to as "the house")**

## **The Party**

**Mr. Iain Douglas Stewart, 4 Roslin Gardens, Dundee, successor in title from Mr.  
Ian Grant Cumming and Mrs. Helen Narracott, residing at Alewater, Lilliesleaf,  
Melrose TD6 9EL ("the Landlord")**

**CHAMBER REFERENCE: PRHP/RP/14/0038**

**Tribunal Members: Mrs. Aileen Devanny (Chamber President and Legal Member); Mr.  
David Godfrey (Ordinary Member (surveyor) of the First-tier Tribunal)); Mr. Mike Scott  
(Ordinary Member (housing) of the First-tier Tribunal).**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")  
hereby certifies that the work required by the **Repairing Standard Enforcement Order**  
("**RSEO**") dated 28 August 2014 relative to the house and served on the former owners  
and Landlord on 4 September 2014 has been completed. Accordingly, the said RSEO  
relative to the house has been revoked.**

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 type written on this and the preceding page are executed by Mrs Aileen Devanny, Chamber President and Legal Member of the Tribunal, at Glasgow on the Sixteenth day of May, Two thousand and eighteen in the presence of the undernoted witness:-

A Devanny

L Wardlow

Witness

Legal member

\_\_name in full

20 York Street address

Glasgow

G2 8GT

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**



**First-tier Tribunal for Scotland (Housing and Property Chamber),**  
statutory successor to the Private Rented Housing Committee in terms of the Tribunals  
(Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the  
Private Rented Housing Committees) Regulations 2016

### **STATEMENT OF DECISION UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006**

**In connection with**

**Property at 3/L 37 Provost Road, Dundee DD3 8AF  
(hereinafter referred to as "the house")**

#### **The Party**

**Mr. Iain Douglas Stewart, 4 Roslin Gardens, Dundee, successor in title from Mr. Ian Grant Cumming and Mrs. Helen Narracott, residing at Alewater, Lilliesleaf, Melrose TD6 9EL ("the Landlord")**

**CHAMBER REFERENCE: PRHP/RP/14/0038**

Tribunal Members: Mrs. Aileen Devanny (Chamber President and Legal Member); Mr. David Godfrey (Ordinary Member (surveyor) of the First-tier Tribunal); Mr. Mike Scott (Ordinary Member (housing) of the First-tier Tribunal).

#### **DECISION**

The First-tier Tribunal for Scotland sitting in the Housing and Property Chamber ("the Tribunal"), having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order dated 28 August 2014 (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the findings at the inspection of the property on 4 May 2018 and information contained in a Gas Safety Certificate produced on 19 April 2018 by the Landlord's agent, the Tribunal considered that the Landlord had satisfactorily completed the works detailed in the RSEO and decided to issue a certificate of completion of works in terms of Section 60 of the Act.

## **Background**

1. Reference is made to the Statement of Decision of the Private Rented Housing Committee dated 18 August 2014 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Act and the RSEO made by the Private Rented Housing Committee which required the Landlord to carry out works as specified therein, the said works to be carried out and completed within a period of three months from the date of service of the Notice of the RSEO.
2. A request from the new owner of the house was received by the Tribunal for revocation of the RSEO following the completion of works to the house.
3. Mr. Godfrey, Ordinary Member (surveyor), inspected the house on 4 May 2018 to ascertain if the works in the RSEO had been completed.

The inspection revealed that the following works had been completed since the original inspection:

1. The walls and ceilings throughout the property have been replaced and are now in a reasonable state of repair.
2. The bathroom suite has been replaced, including the taps and is now in proper working order.
3. The kitchen windows have been replaced and are now in a reasonable state of repair and are in proper working order.
4. Although there is no evidence of repairs having been carried out to the roof covering by the present owner, there are no signs of water penetration within the property.
5. The central heating boiler has been replaced and a gas safety Certificate has been obtained.

The Tribunal considers that all works required in the RSEO have been completed to a satisfactory standard. The Tribunal also considered the contents of the Gas Safety Certificate dated 16 April 2018 produced by the Landlord which confirmed that the central heating boiler had been inspected by a Gas Safe Registered Engineer and is in a reasonable state of repair and in proper working order. The Tribunal considers that a certificate of completion should be issued in terms of Section 60 of the Act. The members of the Tribunal were unanimous in their decision. A copy of the re-inspection report is attached along with a copy of the Gas Safety Certificate which covers the gas central heating boiler.

## **APPEAL PROVISIONS**

**A Landlord 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.

A Devanny

Chamber President and Legal Member,  
16 May 2018



# Housing and Property Chamber

## First-tier Tribunal for Scotland



### REINSPECTION REPORT



**Property:** FLAT 3/L, 37 PROVOST ROAD, DUNDEE DD3 8AF

**Ref no:** PRHP/RP/14/0038

**Surveyor:** David Godfrey

**Inspection:** The property was inspected at 10.00 am Friday 4th May 2018.

**Access:** The original tenant Mr Richard De Goth no longer resides in the property and was neither present nor represented.

The original landlords Mr Ian Cumming and Mrs Helen Narracott no longer own the property. The property is now owned by Mr Iain Stewart and access was provided by his agent Tahir Ramzan.

### Repairing Standard Enforcement Order

*In particular the Private Rented Housing Committee requires the landlord:-*

- (a) *to repair and make good the plasterwork in the bedroom ceiling and at the junction of the front elevation and party wall in the bedroom to ensure the ceiling and walls are in a reasonable state of repair,*
- (b) *to repair and make good the plasterwork in the ceiling of the lounge to ensure that it is in a reasonable state of repair,*
- (c) *to replace the bath tap in the bathroom so that it is in proper working order,*

- (d) *to repair or replace the kitchen windows including the window frames and sills to ensure that they are in a reasonable state of repair and in proper working order,*
- (e) *to identify the source of water penetration which is causing damage to the ceilings in the lounge and bedroom and to carry out such works as required to the external fabric of the tenement to ensure that there is no water ingress into the house and the house is wind and watertight, and*
- (f) *to repair the boiler to ensure that it is in a reasonable state of repair and in proper working order and to provide to the committee a satisfactory and up to date landlord gas safe certificate in respect of the gas installation and gas boiler.*

*The Private Rented Housing Committee order that the works specified in this Order must be carried out and completed within the period of 3 months from the date of service of this Notice.*

### **Photographs**

1. Front elevation (1)
2. Front elevation – Roof detail
3. Rear elevation (1)
4. Rear elevation (2)
5. Lounge ceiling/walls
6. Bedroom (1) ceiling/walls
7. Bedroom (2) ceiling/walls
8. Kitchen windows
9. Refitted Bathroom
10. Replacement bath/taps
11. Replacement central heating boiler
12. Gas safety certificate

### **Works in Repairing Standard Enforcement Order completed since original inspection**

1. The walls and ceilings throughout the property have been replaced and are now in a reasonable state of repair.
2. The bathroom suite has been replaced, including the taps and is now in proper working order.
3. The kitchen windows have been replaced and are now in a reasonable state of repair and are in proper working order.
4. Although there is no evidence of repairs having been carried out to the roof covering by the present owner, there are no signs of water penetration within the property.
5. The central heating boiler has been replaced and a gas safety Certificate has been obtained.



**Works in Repairing Standard Enforcement Order outstanding following re-inspection**

1. None.



Front elevation (1)



Front elevation – Roof detail



Rear elevation (1)



Rear elevation (2)



Lounge ceiling/walls



Bedroom (1) ceiling/walls



Bedroom (2) ceiling/walls



Kitchen windows



Refitted Bathroom



Replacement bath/taps





Replacement central heating boiler

| LANDLORD/HOMEOWNER GAS SAFETY RECORD  |                              |  |  |                       |                             |                   |                 |                          |             |                   |                              |                       |  |                       |                             |                   |                 |                          |             |           |        |        |        |            |            |     |     |     |     |
|---|------------------------------|--|--|-----------------------|-----------------------------|-------------------|-----------------|--------------------------|-------------|-------------------|------------------------------|-----------------------|--|-----------------------|-----------------------------|-------------------|-----------------|--------------------------|-------------|-----------|--------|--------|--------|------------|------------|-----|-----|-----|-----|
| <b>Details of Registered Business</b><br>Gas Safe Register No: 211574<br>Registered Engineer's Name: David Godfrey<br>Gas Safe Register Licence Number: 160170<br>Business: David Godfrey Services<br>Address: 157 St Johns St<br>City: Bristol<br>Postcode: BS2 8JL<br>Contact No: 0117 925 1111 |                              | <b>Appliance Details</b><br><table border="1"> <thead> <tr> <th>Location of</th> <th>Type</th> <th>Manufacturer</th> <th>Model</th> <th>Serial No.</th> <th>Pressure</th> <th>Volume</th> <th>Capacity</th> </tr> </thead> <tr> <td>Living Room</td> <td>Boiler</td> <td>Worcester</td> <td>Boiler</td> <td>160170</td> <td>15 bar</td> <td>100 litres</td> <td>100 litres</td> </tr> </table>   |  |                       |                             |                   |                 |                          |             | Location of       | Type                         | Manufacturer          | Model                                  | Serial No.            | Pressure                    | Volume            | Capacity        | Living Room              | Boiler      | Worcester | Boiler | 160170 | 15 bar | 100 litres | 100 litres |     |     |     |     |
| Location of   | Type                         | Manufacturer   | Model                                  | Serial No.            | Pressure                    | Volume            | Capacity        |                          |             |                   |                              |                       |  |                       |                             |                   |                 |                          |             |           |        |        |        |            |            |     |     |     |     |
| Living Room   | Boiler                       | Worcester  | Boiler                                 | 160170                | 15 bar                      | 100 litres        | 100 litres      |                          |             |                   |                              |                       |  |                       |                             |                   |                 |                          |             |           |        |        |        |            |            |     |     |     |     |
| <b>Details of Site</b><br>Name: 157 St Johns St<br>Address: 157 St Johns St<br>Postcode: BS2 8JL<br>Contact No: 0117 925 1111   |                              | <b>Inspection Details</b><br><table border="1"> <thead> <tr> <th>Flue gas analysis</th> <th>Operation of safety controls</th> <th>Minimum safe pressure</th> <th>Visual condition of flue and terminals</th> <th>Flue terminal (check)</th> <th>Combustion analysis (check)</th> <th>Appliance venting</th> <th>CO Alarm fitted</th> <th>Gas leak (check of leak)</th> <th>Safe to use</th> </tr> </thead> <tr> <td>YES</td> <td>YES</td> <td>YES</td> <td>YES</td> <td>YES</td> <td>YES</td> <td>YES</td> <td>YES</td> <td>YES</td> <td>YES</td> </tr> </table> |  |                       |                             |                   |                 |                          |             | Flue gas analysis | Operation of safety controls | Minimum safe pressure | Visual condition of flue and terminals | Flue terminal (check) | Combustion analysis (check) | Appliance venting | CO Alarm fitted | Gas leak (check of leak) | Safe to use | YES       | YES    | YES    | YES    | YES        | YES        | YES | YES | YES | YES |
| Flue gas analysis   | Operation of safety controls | Minimum safe pressure  | Visual condition of flue and terminals | Flue terminal (check) | Combustion analysis (check) | Appliance venting | CO Alarm fitted | Gas leak (check of leak) | Safe to use |                   |                              |                       |  |                       |                             |                   |                 |                          |             |           |        |        |        |            |            |     |     |     |     |
| YES   | YES                          | YES  | YES                                    | YES                   | YES                         | YES               | YES             | YES                      | YES         |                   |                              |                       |  |                       |                             |                   |                 |                          |             |           |        |        |        |            |            |     |     |     |     |
| <b>Details of Customer/Landlord</b><br>Name: AS Adams<br>Address: 157 St Johns St<br>Postcode: BS2 8JL<br>Contact No: 0117 925 1111   |                              | <b>Defects identified</b><br>None identified. All components in good working order.  |  |                       |                             |                   |                 |                          |             |                   |                              |                       |  |                       |                             |                   |                 |                          |             |           |        |        |        |            |            |     |     |     |     |
| <b>Details of Customer/Landlord</b><br>Name: AS Adams<br>Address: 157 St Johns St<br>Postcode: BS2 8JL<br>Contact No: 0117 925 1111   |                              | <b>Recommendations</b><br>None. All components in good working order.  |  |                       |                             |                   |                 |                          |             |                   |                              |                       |  |                       |                             |                   |                 |                          |             |           |        |        |        |            |            |     |     |     |     |
| <b>Details of Customer/Landlord</b><br>Name: AS Adams<br>Address: 157 St Johns St<br>Postcode: BS2 8JL<br>Contact No: 0117 925 1111   |                              | <b>Details of Work carried out</b><br>Replacement of boiler.   |  |                       |                             |                   |                 |                          |             |                   |                              |                       |  |                       |                             |                   |                 |                          |             |           |        |        |        |            |            |     |     |     |     |
| <b>Number of Appliances tested</b><br>1   |                              | <b>Signature of Registered Engineer</b><br>David Godfrey<br>16/05/18   |  |                       |                             |                   |                 |                          |             |                   |                              |                       |  |                       |                             |                   |                 |                          |             |           |        |        |        |            |            |     |     |     |     |
| <b>Signature of Customer/Landlord</b><br>AS Adams<br>16/05/18   |                              | <b>ATTENTION</b><br>Your safety is our priority.   |  |                       |                             |                   |                 |                          |             |                   |                              |                       |  |                       |                             |                   |                 |                          |             |           |        |        |        |            |            |     |     |     |     |

Gas safety certificate

David Godfrey MRICS

4th May 2018

WB 293642

## LANDI ORB/HOMEOWNER GAS SAFETY RECORD



It is required that the study is approved by the appropriate ethics committee and by the Data Safety and Monitoring Board. Some of the outcomes are as follows:

ANALYSIS OF THE DATA IN TABLE 1

[illegible]

| Inspection Details |                |               |           |                               |                   |              |                                   |                    |                       |  |  |                             |                                    |   |
|--------------------|----------------|---------------|-----------|-------------------------------|-------------------|--------------|-----------------------------------|--------------------|-----------------------|--|--|-----------------------------|------------------------------------|---|
| Location of        | Type           | Main function | Model     | Serial No.<br>(if applicable) | Inspected<br>date | Type of fire | CO Alarm<br>tested<br>(if fitted) | CO Alarm<br>fitted | Appliance<br>serviced | Combustion<br>analyser<br>reading<br>(if applicable) | Visual condition<br>of fire and<br>termination | Ventilation<br>satisfactory | Operation<br>or safety<br>controls | Operation<br>pressure in<br>room and<br>at heat input<br>unit (if fitted) |
| 1                  | Hotel Corridor | Door          | ADAMC 25C |                               | YES               | YES          | Pass/Fail/NA                      | Yes/No             | Yes/No                | Pass/Fail/NA   | Pass/Fail/NA                                   | Yes/No                      | Pass/Fail/NA                       | 24/1  |
| 2                  |                |               |           |                               |                   |              |                                   |                    |                       |  |  |                             |                                    |   |
| 3                  |                |               |           |                               |                   |              |                                   |                    |                       |  |  |                             |                                    |   |
| 4                  |                |               |           |                               |                   |              |                                   |                    |                       |  |  |                             |                                    |   |

  

| Defects Identified |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| 1                  | SAFETY ALARMS ARE TERMINATED - INVESTIGATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 2                  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 3                  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 4                  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

  

| Remedial Action Taken (reference should be made to defects above) |               |  |  |  |  |  |  |  |  |  |  |  |  |  |
|---|---------------|--|--|--|--|--|--|--|--|--|--|--|--|--|
| 1   | NOTED - ON-DE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 2   |               |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 3   |               |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 4   |               |  |  |  |  |  |  |  |  |  |  |  |  |  |

  

| Details of Work carried out |  |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|--|
| CNS SAFETY CHECK            |  |  |  |  |  |  |  |  |  |

Outcome of gas installation pipework visual inspection?  
 Outcome of gas supply pipework visual inspection?  
 Is the Emergency Control Valve access satisfactory?  
 Outcome of gas tightness test?  
 Outcome of gas tightness certification?

Record issued by Signature \_\_\_\_\_  
Print Name Seo-yeon  
Received by Signature \_\_\_\_\_  
Date appliance(s)/file(s) checked 16/4/18

For more information, see our website [www.gallatetyshop.co.uk](http://www.gallatetyshop.co.uk)

## ATTENTION

Next safety  
check due by:

6/17/92