

# Housing and Property Chamber First-tier Tribunal for Scotland

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

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

**Chamber Ref: PRHP/R/15/0299**

**Title no/Sasine Description: MID42780**

**35 Southfield Farm Grove, Edinburgh EH15 1SR  
 (“The House”)**

**The Parties:-**

**MR CHRISTOPHER UMWENI, residing at 35 Southfield Farm Grove, Edinburgh EH15 1SR  
 (“the Tenant”)**

**ELIZABETH RAYMONDE MANSHOURI and MEHDI MANSHOURI, Spouses,  
 residing at 9 Duddingston Crescent, Edinburgh EH15 3AS  
 (“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 (“RSEO”)** relative to the Property made on 28 April 2016 has been completed. Accordingly, the said RSEO relative to the property 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 type written on this and the preceding page(s) are executed by Richard George Mill, legal member of the Tribunal, at 69-71 Dalry

Road, Edinburgh EH11 2AA on 17 August 2017 in the presence of the undernoted witness:-

**M J Murray**

Witness

**R Mill**

Legal Member

MARGARET JOHNSTONE MURRAY Name in full

69-71 DALRY ROAD Address

EDINBURGH

EH11 2AA

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**First-tier tribunal for Scotland (Housing and Property Chamber)**

**Statement of Reasons for Certificate of Completion of Work: Section 60 of the Housing (Scotland) Act 2016, as amended**

**Chamber Ref: PRHP/R/15/0299**

**35 Southfield Farm Grove, Edinburgh EH15 1SR  
("the Property")**

**The Parties:-**

**MR CHRISTOPHER UMWENI, residing at 35 Southfield Farm Grove, Edinburgh EH15 1SR  
("the Tenant")**

**ELIZABETH RAYMONDE MANSHOURI and MEHDI MANSHOURI, Spouses,  
residing at 9 Duddingston Crescent, Edinburgh EH15 3AS  
("the Landlords")**

**Tribunal Members:**

**Richard Mill (Legal Member)**

**Susan Napier (Ordinary Member)**

### **DECISION**

The Tribunal, having made enquiries for the purposes of determining whether the Landlords have complied with the Repairing Standard Enforcement Order dated 28 April 2016 (hereinafter referred to as the "RSEO") in terms of Section 26(1) of the Housing (Scotland) Act 2006, as amended (hereinafter referred to as "the Act") determined that the works specified in the RSEO have been completed to the satisfaction of the Tribunal, and grants a Certificate of Completion discharging the RSEO.

### **Reasons**

Reference is made to the RSEO dated 28 April 2016 which required the Landlords to carry out the works specified therein within 6 weeks which was in the following terms:-

1. Produce an up-to-date Gas Safety Certificate in respect of all gas appliances within the Property.
2. Produce a report on the current condition and operation of the boiler and heating system within the Property from a registered gas engineer. The report should address the ability of the boiler to heat hot water alone in the

absence of the heating system being operative and address the efficiency of the radiators. Any work to improve the effectiveness of the radiators, including bleeding air from them should be undertaken.

3. Produce an Electrical Installation Condition Report (EICR) in respect of the whole Property, to include a Report on all of the electrical sockets and lighting.
4. Replace the fixed double glazed unit of the front bedroom of the Property.
5. To instruct a qualified plumber to:
  - i. investigate the leak from the bathroom to the kitchen and to take all necessary steps to repair or replace necessary components.
  - ii. repair or replace the cold taps in the bathroom, both at the basin and bath.
  - iii. replace the seal around the bath to the tiling.
6. Re-plaster and re-decorate the kitchen ceiling currently damaged as a consequence of the leak from the bathroom upstairs.

The Property was thereafter the subject of a re-inspection on 25 July 2016. None of the works required in terms of the RSEO had been carried out. A further re-inspection was thereafter arranged to take place on 4 November 2016. Access to the Property was unsuccessful. A further re-inspection was carried out on 3 March 2017 which was followed by a Hearing. Again it was identified that none of the works required in terms of the RSEO had been carried out. The Tribunal formally determined that the Landlords had failed to comply with the RSEO.

Following further representations being received from the Landlords a further re-inspection was carried out on 10 July 2017 by the ordinary member of the Tribunal. A copy of her re-inspection report of even date narrating that all of the works had been carried out was thereafter sent to the Landlords. By way of Notice received on 28 July 2017 the Landlords accepted the terms of the re-inspection report. No additional oral hearing was requested.

The re-inspection on 10 July 2017 disclosed that the works specified in the RSEO had been completed satisfactorily. The former tenant left the Property some time ago. The Tribunal accordingly determines that the Landlords have complied with the RSEO and that a Certificate of Completion should, in these circumstances, be issued.

## **Appeals**

**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(s) are executed by Richard George Mill, legal member of the Tribunal, at 69-71 Dalry Road, Edinburgh EH11 2AA on 17 August 2017 in the presence of the undernoted witness:-

**M J Murray**

Witness

**R Mill**

Legal Member

MARGARET JONSTONE MURRAY Name in full

69-71 DALRY ROAD Address

EDINBURGH

EH11 2AA

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



**Reference**  
**FTS/HPC/RP/15/0299**

**Property – 35 Southfield Farm Grove, Edinburgh EH15 1SR**

**Reinspection Report 10 JULY 2017**



## **Report on Reinspection on 10 July 2017, following the Repairing Standard Enforcement Order dated 4 May 2016**

### **1.0 SUMMARY**

This property was inspected on 18 April 2016 by the PRHP Committee. A reinspection was carried out on Monday 10 July 2017 at 1000 by Susan Napier, Ordinary Member and Alan Kerr of FTS was in attendance. The landlord Mr Manshouri was present, along with a gentleman who appeared to be living in the property.

At the time of the inspection the weather was light cloud and dry, with light wind.

Photographs taken on 18 April 2016 and 10 July 2017 are attached in Appendix 1.

### **2.0 Repairing Standard Enforcement Notice**

The RSEO was issued on 4 May 2016 and listed the following requirements:

- 2.1 Produce an up to date Gas Safety Certificate in respect of all gas appliances within the Property.
- 2.2 Produce a report on the current condition and operation of the boiler and heating system within the Property from a registered gas engineer. The report should address the ability of the boiler to heat hot water alone in the absence of the heating system being operative and address the efficiency of the radiators. Any work to improve the effectiveness of the radiators, including bleeding air from them should be undertaken.
- 2.3 Produce an Electrical Installation Condition Report (EICR) in respect of the whole Property.
- 2.4 Replace the fixed double glazed unit of the front bedroom of the Property.
- 2.5 To instruct a qualified plumber to -
  - 2.5.1 Investigate the leak from the bathroom to the kitchen and to take all necessary steps to repair or replace necessary components.
  - 2.5.2 Repair or replace the cold taps in the bathroom, both at the basin and bath
  - 2.5.3 Replace the seal around the bath to the tiling.
- 2.6 Replaster and redecorate the kitchen ceiling currently damaged as a consequence of the leak from the bathroom upstairs.

### **3.0 Reinspection**

At the reinspection on 10 July 2017 the property had been renovated, and redecorated and the works listed in the RSEO had been completed.

- 3.1** A Gas Safety Certificate has been provided by the Landlord dated 1 June 2017 which confirms that the gas installation is satisfactory.

The heating system was switched on and it was noted that the radiators were hot to touch.

- 3.2** An Electrical Installation Condition Report has been provided by the Landlord dated 1 May 2017 which confirms that the electrical installation is satisfactory.

The light fittings which had been previously been faulty were switched on and were noted to be working. The electric socket in the kitchen had been replaced and was working.

- 3.3** The double glazed unit in the front bedroom has been replaced, and there was no moisture in the new unit.

#### **3.4 Bathroom**

- 3.4.1** The leak in the bathroom has been attended to. At the reinspection the shower did not leak onto the floor, and the floor next to the bath was dry.

- 3.4.2** The cold taps on the wash hand basin and bath now function properly.

- 3.4.3** The seal round the bath has been repaired.

- 3.5** The kitchen ceiling has been replastered and redecorated.

- 3.6** The smoke detector system has been replaced and is hard wired with smoke detectors on both floors.

- 3.7** A Carbon Monoxide detector has been fitted in the boiler cupboard.

### **Conclusion**

All the work in the RSEO has been completed and appears to be to a satisfactory standard.

Susan Napier, BSocSc, FRICS  
Ordinary Member  
10 July 2017



**Reference FTS/HPC/RP/15/0299**

**Property – 35 SOUTHFIELD FARM GROVE, EDINBURGH EH15 1SR**

**PHOTOGRAPHS OF INSPECTION 18 APRIL 2016 and REINSPECTION 10 JULY 2017**

**Front elevation**



**Rear elevation**



Photographs of 35 Southfield Farm Grove, Edinburgh EH15 1SR

18 APRIL 2016

10 JULY 2017

Gas Boiler Installation



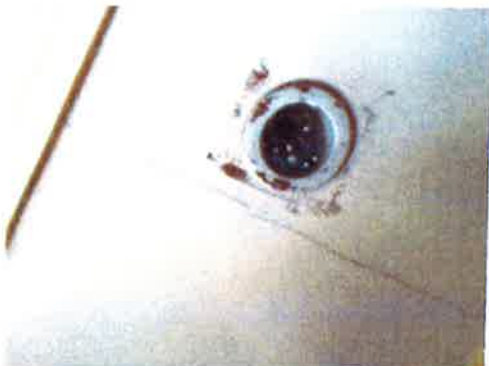
Electrical Installation

See above



Faulty light fitting on first floor landing

Changed and now working



Faulty socket in kitchen next to cooker



Fixed



Light fitting in kitchen next to damp patch on ceiling



Now working, but cover loose



## Windows

Patio window in Living room - no trickle vents

As before



Ventilation grille in Living room - but not on outside wall As before



No photo taken

No trickle vents in windows

As before



Front bedroom - Double glazing unit failed - moisture trapped between panes

Window pane changed - now clear



## Bathroom

WHB – Cold tap loose and not working, ie no cold water supply



Taps all fixed on WHB and Bath



Mould grown on bathroom ceiling – no extract fan, but window opens



Now fixed and redecorated



Bath sealant in poor condition



Now replaced



Shower running, water draining into bath drain.



Now fixed



Damp reading taken of floor next to bath indicating damp timber



Floor dry, no signs of dampness

## Kitchen

Kitchen ceiling – indicating damp from alleged leak from bathroom



Ceiling dry and redecorated – no signs of dampness

Kitchen ceiling and light fitting



Ceiling replastered and redecorated



Kitchen ceiling showing drips after shower had been running in bathroom above.

See above – no signs of leak or dampness



Water on kitchen floor after shower switched on. Water dripping from ceiling.



No water leaking from ceiling

**Smoke detection system** -Only 1 smoke detector in house – battery powered

No CO detector

New smoke detection system installed.

CO detector fitted in boiler cupboard.



Susan Napier, BSocSc, FRICS  
Ordinary Member  
10 July 2017