

Housing and Property Chamber

First-tier Tribunal for Scotland



Certificate of Completion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RT/16/0359

Title no: DMF4666

112 Queen Street, Dumfries, DG1 2JT ('The Property')

The Parties:-

Dumfries and Galloway Council, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD ('the Third Party Applicant').

Mrs Dawn Vella residing at 35 Weston lane, Southampton, SO19 9GN ('the Landlord').

Miss Samantha Taylor residing formerly at 112 Queen Street, Dumfries, DG1 2JT ('the Tenant').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Nick Allan (Ordinary Member).

CERTIFICATE OF COMPLETION

1. The Tribunal hereby certifies that the works required by the **Repairing Standard Enforcement Order** dated 30th January 2017 (as varied in terms of the Variation dated 28th November 2017), ('RSEO') which required the Landlord to:

1. *Resolve the source of lateral damp penetration to the front and rear basement rooms and repair the dampness, rising damp and damp penetration to render the Property water tight.*
2. *Properly connect the washing machine outflow pipe to the drains.*
3. *Install a fixed heating system in the Property being either high heat retention storage heaters (as recommended by the EPC) or a gas central heating system, sufficient to reasonably heat the Property.*

Have been **Completed** and the RSEO has been discharged.

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.

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 Jacqui Taylor, Solicitor, Chairperson of the Tribunal at Glasgow on 28th November 2017 before the undernoted witness:

Signed..... J Taylor
Chairperson

L Wardlow
.....witness:

LAURA WARDLOW

**1, Atlantic Quay
Glasgow**

Housing and Property Chamber

First-tier Tribunal for Scotland



Variation of the Repairing Standard Enforcement Order **Ordered by the First-tier Tribunal for Scotland** **(Housing and Property Chamber)** **In terms of Section 25 Housing (Scotland) Act 2006**

Chamber Ref: PRHP/RT/16/0359

Title no: DMF4666

112 Queen Street, Dumfries, DG1 2JT ('The Property')

The Parties:-

Dumfries and Galloway Council, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD ('the Third Party Applicant').

Mrs Dawn Vella residing at 35 Weston lane, Southampton, SO19 9GN ('the Landlord').

Miss Samantha Taylor residing formerly at 112 Queen Street, Dumfries, DG1 2JT ('the Tenant').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Nick Allan (Ordinary Member).

NOTICE TO **The said Mrs Dawn Vella**

The Tribunal in their decision dated 28th November 2017 have determined to vary the Repairing Standard Enforcement Order dated 30th January 2017 to delete the requirement to install the washing machine in the kitchen.

Consequently the said **Repairing Standard Enforcement Order is VARIED** with effect from the date of service of this Notice to the effect that requirement to install the washing machine in the kitchen, detailed in clause 2 of the Repairing Standard Enforcement Order, is delete

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.

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.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes and landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of section 28(5) of the Act. IN WITNESS WHEREOF these presents typewritten on this and the preceding page are subscribed at Glasgow on 28th November 2017 by Jacqui Taylor, Chairperson of the Tribunal in the presence of the undernoted witness:

Signed..... **J Taylor** Chairperson

... **L Wardlow** witness

LAURA WARDLOW

1, Atlantic Quay
Glasgow

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RT/16/0359

Title no: DMF4666

112 Queen Street, Dumfries, DG1 2JT ('The Property')

The Parties:-

Dumfries and Galloway Council, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD ('the Third Party Applicant').

Mrs Dawn Vella residing at 35 Weston lane, Southampton, SO19 9GN ('the Landlord').

Miss Samantha Taylor residing formerly at 112 Queen Street, Dumfries, DG1 2JT ('the Tenant').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Nick Allan (Ordinary Member).

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlord to :-

'1. Resolve the source of lateral damp penetration to the front and rear basement rooms and repair the dampness, rising damp and damp penetration to render the Property water tight.

2. Install the washing machine in the kitchen and properly connect the outflow pipe to the drains.

3. Install a fixed heating system in the Property being either high heat retention storage heaters (as recommended by the EPC) or a gas central heating system, sufficient to reasonably heat the Property.'

2. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 1st May 2017.

3. On 8th May 2017 the Ordinary member of the Tribunal inspected the Property. The Property was vacant. In connection with the required works he found:

3.1 Extensive works had been carried out to the Property to treat the dampness and whilst the levels of dampness found at the inspection were improved there was still evidence of dampness in the Property.

3.2 The washing machine had been relocated to the kitchen but the appliance had still to be connected to the outflow pipe.

3.3 A gas central heating system had been installed in the main rooms, the hallway and the basement area. However the system was not in operation at the inspection and no gas safety certificate was available at the inspection to confirm that the system had been correctly installed. Fixed electric panel radiators had still to be installed in the bathroom and rear kitchen area.

The reinspection report is annexed and executed as relative hereto.

4. Thereafter the Landlord sent an email to the Tribunal administration dated 3rd July 2017 advising that due to difficult personal circumstances the required works had not been completed. She acknowledged that they could not rent out the Property until the Property has been reinspected. The Tribunal varied the RSEO to extend the time for completion of the required works to 30th August 2017.

5. On 27th September 2017 the Ordinary member of the Tribunal reinspected the Property. The Property was still vacant. In connection with the required works he found:

5.1 The basement continued to dry out and the recorded levels of dampness at the inspection were satisfactory.

5.2 The washing machine had been removed from the Property as it was broken beyond repair. Should the Property be relet in the future the pipework is in place to connect a replacement unit.

5.3 An electric panel heater had still to be installed in the bathroom and the gas safety certificate had still to be exhibited.

The reinspection report is annexed and executed as relative hereto.

6. Thereafter the Landlord sent the Tribunal administration a copy of the compliant gas safety certificate dated 5th October 2017 and a copy of the receipt from Futura Direct Limited in respect of the purchase of the electric panel heater. Copies are annexed and executed as relative hereto.

Decision

7. The Tribunal decided that they would vary the RSEO by deleting the requirement to 'install the washing machine in the kitchen' from paragraph (2) of the RSEO as the Property was now vacant and the Landlord may decide not to provide the next tenant of the Property with a washing machine.

8. Thereafter the Tribunal determined that:

8.1 They were satisfied that the lateral damp penetration to the front and rear basement rooms and the dampness, rising damp and damp penetration had been satisfactorily resolved and the Property is water tight.

8.2. The washing machine outflow pipe had been properly connected to the drains.

8.3. A satisfactory heating system had been installed in the Property.

The Tribunal being satisfied that the terms of the RSEO, as varied, had been satisfactorily completed determined to certify that the terms of the RSEO had been completed.

9. The decision of the Tribunal was unanimous.

10. 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.

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.

J Taylor

Signed.....
Chairperson

.....Date 28th November 2017

From: y4direct@gmail.com [mailto:y4direct@gmail.com] **On Behalf Of** Dawne
Sent: 31 October 2017 13:08
To: HPCAdmin
Subject: PRHP.RT.16.0359 112 Queen Street, Dumfries DG1 2JT - Response Required

FYI

Please find the relevant receipt for the purchase of the electric panel heater for the above address attached.

Regards

Dawne Vella

On 1 Oct 2017 8:31 p.m., "service@paypal.co.uk" <service@paypal.co.uk> wrote:

1 Oct 2017 20:30:21 BST
Receipt No: 4238-3070-5058-9220

J Taylor 28/11/17

Dear Dawne Vella,

This email confirms that you have paid Futura Direct Ltd (ebayterr@futuramail.co.uk) £54.95 GBP using PayPal.

This credit card transaction will appear on your bill as "PAYPAL *FUTURA".

Now that you've completed your payment, sign up for a free PayPal account by clicking Sign Up Now below. You'll be able to check out faster

Sign Up for a Free PayPal Account

100%
protection for
buyers against
unauthorised
account use

Your financial
information is

next time and track your payment history for all the items you purchase on eBay.

[Sign Up Now!](#)

Payment Details

never shared
when you send
a payment

Free for buyers

Purchased From: Futura Direct Ltd

Receipt ID: 4238-3070-5058-9220

Item Number	Quantity	Price	Subtotal
122717621200	1	£54.95	£54.95 GBP
<u>PAINTABLE ELECTRIC SLIM WALL</u>		GBP	
<u>MOUNTED PANEL HEATER RADIATOR</u>			
<u>24HR TIMER ECO</u>			

Postage & Packaging: £0.00 GBP
(includes any seller packing fees)

Delivery Insurance (not offered): --

Total: £54.95 GBP

This charge will appear on your credit card statement as "".

Payment sent to futuraebay@futuramail.co.uk



Property Re-inspection Report

112 Queen Street, Dumfries, DG1 2JT

Case Reference: PRHP/RT/16/0359

Surveyor: Mr Nick Allan (Ordinary member)

Date of re-inspection: 27/09/2017

Time of re-inspection: 2pm

Weather conditions: Dry and overcast

Present: Mr Nick Allan
Mrs Dawn Vella - Landlord
Mr Craig Richards - Landlord's contractor

Property status: Vacant



RSEO – requirement No.1: -

- *Resolve the source of lateral damp penetration to the front and rear basement rooms and repair the dampness, rising damp and damp penetration to render the Property water tight.*

Re-inspection 08/05/2017

- The Contractor advised that excavation works along the rear elevation had been undertaken by the landlord, the window assembly sealed, the drain hole in the floor, previously used to drain the waste water from the washing machine, also sealed. It was observed that the door steps into the external kitchen door have been reset to ensure that rainwater flows away from the house and basement area. It was also noted that the window sill had been cleared although it was not evident to the Surveyor Member, or the Contractor, where the rainwater would eventually drain away to.
- Improved dampness readings were obtained along the lower sections of the rear elevation using a dual function dampness meter capable of determining levels of moisture below the surface, and deeper within building materials. The readings recorded would suggest that the measures outlined above have been successful.
- Meter readings were also obtained once again from the internal wall running perpendicular to the right of the window opening. These readings were higher than the ones obtained from the rear elevation and fell within the 22-40% range. They were also concentrated at a height of 4-5ft above the floor level in one small isolated section, and not in the vicinity of any timber. There was no obvious cause for this isolated section of dampness at this location suggesting that this section of wall may still be drying out. Rising damp can also be ruled out.
- In terms of the front basement room, the Contractor advised that the following works had been carried out: -
 - Externally, the soil levels had been excavated to a sufficient depth to discover a break in the rainwater drainpipe, previously undetected below ground level. This would have been the most likely cause of the saturated stonework and vegetation growth noted externally during the initial inspection, and the cause of the original high damp readings taken internally under the switchgear cupboard, and on the front elevation. The broken section of downpipe has been replaced;
 - The excavation also uncovered a hole in the wall below ground near to the front door steps. Once again, this would have been the

probable source of dampness noted at the initial inspection. The hole has been sealed and made watertight;

- The sodden earth in the front garden has been removed and replaced by stone chips;
- The Landlord and the Contractor have undertaken “tanking” work on the interior face of the front elevation and a section of the floor slab.
- Dampness readings were taken internally along the front elevation, and on the wall beneath the switchgear cupboard. Although the meter readings were below those recorded at the initial inspection, they were still higher than normal, falling into the 20-30% range. This would suggest that the counter-dampness measures have in-part worked. Acknowledging that the stonework has been subjected to penetrating dampness for a lengthy period of time and had obviously been saturated, there is now visual evidence that the stonework is beginning to slowly dry out naturally.

2nd Re-inspection 27/09/2017

- **The front and rear basement walls were rechecked for dampness throughout, with the readings taken indicating that the basement has continued to dry out since the date of the previous re-inspection. The recorded readings did not give any cause for concern.**
- **When set in radio wave mode, the damp meter detected the presence of significant moisture below the level of the concrete floor slab in the front basement. However, there was no evidence of surface moisture, and the readings were taken at a section of the floor slab where sub-floor dampness would not be a threat to exposed timber.**

RSEO – requirement No.2

- *Install the washing machine in the kitchen and properly connect the outflow pipe to the drains.*

Re-inspection 08/05/2017

- It was noted that the washing machine had been relocated to the kitchen and the relevant pipework was in place to properly connect it to the water supply and drainage outlet. However, it was noted that the washing machine hoses were still to be fitted to the pipework. It was also noted that the washing machine could be powered up.

2nd Re-inspection 27/09/2017

- The washing machine has now been removed from the property because it was broken beyond repair. Should the property be re-let in the future then the pipework is in place to connect a replacement unit.

RSEO – requirement No.3

- *Install a fixed heating system in the Property being either high heat retention storage heaters (as recommended by the EPC) or a gas central heating system, sufficient to reasonably heat the Property.*

Re-inspection 08/05/2017

- The Property was installed with a gas central heating system on 26/04/17 by Harness Plumbing and Heating Ltd. Appropriate radiators have been fitted in all the main rooms, the hallway and basement area. There is no radiator in the bathroom, or the rear kitchen area. The contractor advised that it is intended to install fixed electric panel heaters in these areas. As the property is now vacant, the central heating system was not in use at the time of the inspection. The Contractor was unaware if a Gas Safety Certificate had been provided to the Landlord.

2nd Re-inspection 27/09/2017

- It was noted that an appropriate electric panel heater has yet to be installed in the bathroom. It was further noted that the Landlord would provide the Tribunal with a copy of an order for a panel heater, together with a copy of the receipt following its installation. The Landlord also stated that a Gas Safety Certificate would be obtained and forwarded to the Tribunal.

Outstanding issues: -

- **Fixed electric panel heater in bathroom**
- **Gas safety certificate**



Photograph Schedule

112 Queen Street, Dumfries, DG1 2JT



Photo 1 – Basement Front elevation



Photo 2 – Electric switchgear in Basement



Photo 3 – Gas boiler in dining room



Photo 4 – Washing machine pipework

Nick Allan FRICS
Surveyor – Ordinary Member
First-tier Tribunal (Housing and Property Chamber)
16th October 2017



Property Re-inspection Report

112 Queen Street, Dumfries, DG1 2JT

28/11/17

J Taylor

Case Reference: PRHP/RT/16/0359

Surveyor: Nick Allan (Ordinary member)

Date of re-inspection: 08/05/2017

Time of re-inspection: 12 noon

Weather conditions: Dry and overcast

Present: Nick Allan
Craig Richards (Landlord's contractor)

Property status: Vacant



Requirements of the RSEO: -

- Resolve the source of lateral damp penetration to the front and rear basement rooms and repair the dampness, rising damp and damp penetration to render the Property water tight.
- The Contractor advised that excavation works along the rear elevation had been undertaken by the landlord, the window assembly sealed, the drain hole in the floor, previously used to drain the waste water from the washing machine, sealed (See Photograph 1 below). It was observed that the door steps into the external kitchen door have been reset to ensure that rainwater flows away from the house and basement area (See Photograph 2 below). It was also noted that the window sill (See Photograph 3 below) had been cleared although it was not evident to the Surveyor Member, or the Contractor, where the rainwater would eventually drain away to.
- Improved dampness readings were obtained along the lower sections of the rear elevation using a dual function dampness meter capable of determining levels of moisture below the surface, and deeper within building materials. The readings recorded would suggest that the measures outlined above have been successful. (See Photographs 4 + 5 below)
- Meter readings were also obtained once again from the internal wall running perpendicular to the right of the window opening (See Photographs 6 + 7 below). These readings were higher than the ones obtained from the rear elevation and fell within the 22-40% range. They were also concentrated at a height of 4-5ft above the floor level in one small isolated section, and not in the vicinity of any timber. There was no obvious cause for this isolated section of dampness at this location suggesting that this section of wall may still be drying out. Rising damp can also be ruled out.
- In terms of the front basement room, the Contractor advised that the following works had been carried out: -
 - Externally, the soil levels had been excavated to a sufficient depth to discover a break in the rainwater drainpipe, previously undetected below ground level. This would have been the most likely cause of the saturated stonework and vegetation growth noted externally during the initial inspection, and the cause of the original high damp readings taken internally under the switchgear cupboard, and on the front elevation (See Photograph 8 below). The broken section of downpipe has been replaced;
 - The excavation also uncovered a hole in the wall below ground near to the front door steps. Once again, this would have been the

probable source of dampness noted at the initial inspection. The hole has been sealed and made watertight;

- The sodden earth in the front garden has been removed and replaced by stone chips (See Photograph 9 below);
- The Landlord and the Contractor have undertaken “tanking” work on the interior face of the front elevation and a section of the floor slab.
- Dampness readings were taken internally along the front elevation, and on the wall beneath the switchgear cupboard. Although the meter readings were below those recorded at the initial inspection, they were still higher than normal, falling into the 20-30% range. This would suggest that the counter-dampness measures have in-part worked. Acknowledging that the stonework has been subjected to penetrating dampness for a lengthy period of time and had obviously been saturated, there is now visual evidence that the stonework is beginning to slowly dry out naturally.
- Install the washing machine in the kitchen and properly connect the outflow pipe to the drains.
- It was noted that the washing machine had been relocated to the kitchen and the relevant pipework was in place to properly connect it to the water supply and drainage outlet (See Photograph 10 below). However, it was noted that the washing machine hoses were still to be fitted to the pipework. It was also noted that the washing machine could be powered up.
- Install a fixed heating system in the Property being either high heat retention storage heaters (as recommended by the EPC) or a gas central heating system, sufficient to reasonably heat the Property.
- The Property was installed with a gas central heating system on 26/04/17 by Harness Plumbing and Heating Ltd. Appropriate radiators have been fitted in all the main rooms, the hallway and basement area. There is no radiator in the bathroom, or the rear kitchen area (See Photographs 11 + 12 below). The contractor advised that it is intended to install fixed electric panel heaters in these areas. As the property is now vacant, the central heating system was not in use at the time of the inspection. The Contractor was unaware if a Gas Safety Certificate had been provided to the Landlord.

Recommendation: Allow a further period of 1 month for remaining damp areas to hopefully dry out, and for the washing machine hoses to be fitted. Request a Gas Safety certificate. Re-inspect when appropriate.



Photograph Schedule

112 Queen Street, Dumfries, DG1 2JT



Photo 1 – R/B former drain hole



Photo 2 – Re-aligned steps and sealed window



Photo 3 – External sill and soakaway



Photo 4 – Rear wall inner face



Photo 5 – Rear wall reading



Photo 6 – Right hand wall



Photo 7 – Right hand wall reading



Photo 8 – R/H front elevation/switchgear wall



Photo 9 – Re-surfaced front garden



Photo 10 – Re-located washing machine



Photo 11 – Installed gas boiler



Photo 12 – Recently installed radiator

Nick Allan FRICS
Surveyor – Ordinary Member
First-tier Tribunal (Housing and Property Chamber)
8th May 2017

Top Copy - Underscored/Horizontal/Aligning Agent Green Copy - ~~Horizontal~~ Agent

Top Copy - Underscored/Horizontal/Aligning Agent Green Copy - ~~Horizontal~~ Agent