

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certification that the work required by a Repairing Standard Enforcement Order has been completed: Housing (Scotland) Act 2006, Section 60

Chamber Ref: FTS/HPC/RP/17/0034

5D Beechwood Drive, Coatbridge, ML5 4RF
("The property")

The Parties:-

Richard McCallum, 5D Beechwood Drive, Coatbridge, ML5 4RF
("the applicant")

Frankdersan UK Properties Ltd, having its registered office at 81 St Judes Road, Englefield Green, TW20 0DF
("the respondents")

Tribunal Members:

Adrian Stalker (Chairman) and Nick Allan (Ordinary Member)

The First-tier tribunal for Scotland (Housing and Property Chamber) ("the tribunal") having so determined on 1 February 2018, hereby grants certification that the work required by the **Repairing Standard Enforcement Order** relative to the property, served of 30 May 2017, has been completed, with effect from the date of service of this Certificate, and the relative decision. 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.

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 Adrian Stalker, advocate, Advocates Library, Parliament House, chairperson of the tribunal at Edinburgh on 12 February, before this witness:-

S Westwater

witness

A Stalker

SHEILA WESTWATER name in full

PARLIAMENT HOUSE Address

EDINBURGH

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision to Certify that the work required by a Repairing Standard Enforcement Order has been completed: Housing (Scotland) Act 2006, Section 60

Chamber Ref: FTS/HPC/RP/17/0034

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("The property")

The Parties:-

Richard McCallum, 5D Beechwood Drive, Coatbridge, ML5 4RF
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Frankdersan UK Properties Ltd, having its registered office at 81 St Judes Road, Englefield Green, TW20 0DF
("the respondents")

Tribunal Members:

Adrian Stalker (Chairman) and Nick Allan (Ordinary Member)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), decided to certify that the work required by the Repairing Standard Enforcement Order ("RSEO") of 30 May 2017, has been completed, with effect from the date of service of this decision, and the relative certificate under section 60.

Findings; reasons for decision

1. Reference is made to the tribunal's determination in this case, and the RSEO.
2. The Property was re-inspected by Ordinary (Surveyor) Member on 16 August 2017. Reference is made to his reinspection report of that date. He found that the works specified at points a) to d) of paragraph 1 of the RSEO, and at points a) to e) of paragraph 2, had been completed.
3. Accordingly, the only point outstanding from the RSEO was the requirement to produce a Gas Safety Certificate. The respondents' agents had produced a certificate to the Tribunal, indicating that there was a fault with a timer. Subsequently the Tribunal now received a document confirming that this fault was repaired on 20 September. The Tribunal also sought clarification as to whether the document

produced by the respondents' agents was the full certificate. That was confirmed on 12 October.

4. The Tribunal clerk wrote to the applicant, enquiring whether it was accepted that the work under the RSEO had been completed. He responded by email on 18 October, as follows:

I am still not pleased as the work was done above my sitting room window has not been painted and the lock put on close door is open all day and night and I am constantly have been open door for delivery men and I am not fit to keep doing this also Miss Kirsty Mills said she was constantly trying to contact the landlords but obviously she said no reply so if she had sent emails then they can take to court and get intercom repaired and fine the other landlords. I just feel it was a quick patch work job as plaster is still falling off the building I have been totally ignored so now I am getting my MP on to you and Homelink and the other landlords and the work done properly as you have not resolved the situation.

5. Kirsty Hill is the respondents' agent. The Tribunal takes it from this statement that close door lock must working, otherwise the applicant would not have to be letting in the delivery men. The Tribunal observes that if the intercom relative to the front door is in need of repair, or there is plaster "falling off", then that should be the subject of another application. The Tribunal does not interpret this email as maintaining that the work specified in the RSEO has not been carried out.

6. Due to an oversight, the reinspection report was not formally issued to the parties until 7 November. Thereafter, there was no response from the applicant to the terms of the report. The

7. Accordingly, in the circumstances, the tribunal decided to certify that the work required by the RSEO has been completed. The section 60 Certificate is referred to for its terms.

8. The decision of the tribunal was unanimous.

9. In terms of section 63 of the Housing (Scotland) Act 2006, this decision, and the variation, have effect from the date on which it is served.

10. 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.

11. 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 **A Stalker**

Date 12/2/18

Chairman ADAM STALKER.

Housing and Property Chamber First-tier Tribunal for Scotland



Re-inspection Report 5D Beechwood Drive, Coatbridge, ML5 4RF

Case Reference: FTS/HPC/RP/17/0034

Surveyor: Nick Allan (Ordinary member)

Date of inspection: 16/08/2017

Time of inspection: 10.00 am

Weather conditions: Dull and overcast

In attendance: Nick Allan
Mr Richard McCallum – Tenant
Mrs Kirsty Hill – Landlords' property agent
Miss Lorna Watson – Landlords' property agent



Photo 1 – Front Elevation

Requirements of RSEO:

The following works are required by the RSEO following the inspection and Hearing held on the 17th May 2017.

1. The respondents, either themselves or with other owners of the properties at 5D Beechwood Drive, Coatbridge to:
 - (a) replace the close entry door lock, so as to make the door secure;
 - (b) clean out the gutters;
 - (c) repair and make good the cracking to: the upper part of the reveal of the front window; and the roughcasting to the wall, immediately above the front window;
 - (d) repair or replace broken section of down pipe at ground level, on the side (east facing) elevation of 5 Beechwood Drive, and patch-fill the hole in the wall behind the pipe at the bathroom window level.
2. The respondents to:
 - (a) install seals, as required, to properly seal beneath all external window sills at the property, between the frame and window reveals;
 - (b) repair or replace the handle of the leftmost (when viewed from inside the property) window unit in the lounge;
 - (c) repair or replace the trickle vents to both window units in the lounge, so that they can be opened and closed;
 - (d) replace the missing section of uPVC closing plate between the glass pane and the frame missing, in the bathroom window;
 - (e) block off and seal the hole created by the missing section of the external window sill of the bedroom window, where it fits into the window reveal.

The tribunal requires the respondents to produce to the office of the tribunal, and the applicant, a Gas Safety Certificate completed by a qualified Gas Safe Registered Engineer, confirming that the installations for the supply of gas at the property are in a reasonable state of repair and in proper working order.

Works in RSEO undertaken (using the foregoing number convention):

1. (a) A Yale lock has been fitted to the front door of the building, and a key allocated to each flat within the block. This door is now secure (Refer to Photo 2 below);
(b) A visual inspection of the gutters from ground level confirmed that the gutters appear to have been cleaned out;
(c) The lounge window reveal and lintel areas have been appropriately re-rendered, although painting has yet to take place (Refer to Photo 3 below);
(d) A temporary repair has been carried out to the section of downpipe, and the hole behind the pipe has been patch-filled. (Refer to Photo 4 below);
2. (a) Appropriate seals have been installed to all windows (Refer to Photo 5 below e.g.);
(b) The handle has been replaced and is functioning correctly. However, it was noted that the window unit jams, and is difficult to open (Refer to Photo 6 below);
(c) The trickle vents have been replaced, and are functioning correctly;
(d) The closing plate on the bathroom window has been fitted;
(e) The hole has been blocked off, but has yet to be completely weatherproofed due to a bead of sealant missing from the vertical edge of the window directly above the repaired hole (Refer to Photo 7 below).

The Ordinary Member was advised by the property agents during the re-inspection that a gas boiler component was currently on order, and that a date for its installation could therefore not be confirmed. Consequently, the Landlord was not in a position to provide the tribunal, or the applicant, with a Gas Safety Certificate during the re-inspection.



Photo 2 – Yale lock on front door



Photo 3 – Lounge window lintel



Photo 4 – Patched downpipe



Photo 5 – Sill closing strip



Photo 6 – Lounge window handle



Photo 7– Initial inspection



Photo 8 – Partial repair

Nick Allan FRICS

Surveyor – Ordinary Member

First-tier Tribunal (Housing and Property Chamber) - 16th August 2017