

Housing and Property Chamber First-tier Tribunal for Scotland



Certificate of Completion: Housing (Scotland) Act 2006 ("the Act"), Section 60.

Chamber Ref: G66/164/12

The Property

Title Number: DMB83389

30 Bankhead Road, Waterside, Kirkintilloch, Glasgow G66 3LQ

("the property")

The Parties:-

Eilidh Ashby, formerly residing at the property, per Ms K Foote, Environmental Health Officer, East Dunbartonshire Council, Southbank House, Kirkintilloch, G66 1XQ
("the former tenant")

and

Gardiner Patterson and Caroline Kerr, residing at 7, Birdland Avenue, Bo'ness EH51 9LX

("the landlords")

The First-tier Tribunal for Scotland (Housing and Property Chamber), formerly the Private rented Housing Panel (PRHP):

David M Preston, Legal Member; and Kingsley Bruce, Ordinary Member (surveyor)
('the tribunal')

The tribunal hereby certifies, in terms of section 60 of the Act, that the work required by the Repairing Standard Enforcement Order (RSEO) dated 23 November 2012 issued by PRHP has been completed.

Review of tribunal's decision:

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 leave to appeal from the First-tier tribunal. That party must seek permission to appeal within thirty days of the date when 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 subscribed as follows:

D Preston

Chairman

...

.....Witness
signature

KATY SINCLAIR Witness
Full Name

OBANPlace of Signing

ANDERSON BUNS Witness
address

19-06-17 Date of Signing

22 ARGYLL SQUARE

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PA34 4AT

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The First-tier Tribunal for Scotland (Housing and Property Chamber), formerly the Private rented Housing Panel (PRHP):

David M Preston, Legal Member; and Kingsley Bruce, Ordinary Member (surveyor)

(“the tribunal”)

Decision

The tribunal determined to issue a Certificate of Completion under section 60 of the Act and to revoke the Repairing Standard Enforcement Order (RSEO) dated 23 November 2012 issued by PRHP.

Reasons:

1. Following the issue of a Notice of Failure to comply with the terms of the RSEO, on 15 May 2017 the landlords submitted a guarantee for damp proof work which had been carried out at the property which was considered by the tribunal. In view of the length of time since the RSEO had been issued, the tribunal decided that it would be appropriate for the current members to carry out a re-inspection.

2. The tribunal therefore attended at the property on 31 May 2017 and carried out a re-inspection. Thereafter the ordinary member (surveyor) prepared a Report dated 12 June 2017, a copy of which is attached hereto.
3. On inspection it was apparent that extensive works had been undertaken to the property. The tribunal was satisfied that the works specified in the RSEO had been completed.
4. Having considered the re-inspection and the report following thereon as well as the verbal representations by the landlord during the re-inspection, the tribunal was satisfied that the works required by the RSEO had been completed and determined to issue a Certificate of Completion under section 60 of the Act and to revoke the RSEO under section 25.

Review of tribunal's decision:

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D Preston

..... Chairman

19 June 2017

Oban, 19 June 2017

This is the Re-inspection Report referred to in the foregoing Statement of Reasons.

D Preston

..... Chairman

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



Housing and Property Chamber Re-inspection Report

Property: 30 Bankhead Road, Kirkintilloch, G66 3LQ
Ref No: PRHP/G66/164/12

Surveyor: Kingsley K Bruce, MRICS

Access:

In view of the length of time since the issue of the RSEO, the tribunal determined that the full tribunal should re-inspect. The property was therefore re-inspected at 10:00 on 31 May 2017 by Kingsley Bruce and David Preston.

The interior of the house was inspected visually, whilst standing at floor level within the various rooms, the exterior, whilst standing at street level to front and rear from the pathways/garden ground adjacent.

In Attendance:

The re-inspection was accompanied by the Landlord Mr Gardener Paterson, who was present in the property throughout the inspection.

The tenant, who made the original application, had vacated the property prior to previous re-inspections and is no longer party to the proceedings.

The property was vacant and unfurnished.

Weather:

Conditions were dry and bright at the time of the re-inspection.

Requirements of the Repairing Standard Enforcement Order (RSEO):

The terms of the RSEO dated 23 November 2012 required the Landlord as follows:

*“In particular, and without prejudice to the foregoing generality, the Committee **HEREBY ORDERS** the landlord to carry out the following repairs (‘the Works’);-*

- 1. To obtain a report from a chartered surveyor or a suitably qualified damp and timber specialist who is accredited by an appropriate professional body and covered by adequate professional indemnity insurance to address the issues clearly evident to the Committee at the time of inspection, and which comprehensively covers the issues of rising and penetrating dampness in the Property and the adequacy of the works identified as having been carried out. The report should identify the works necessary to rectify these defects.*
- 2. To lodge a copy of the report and its recommendations with the office of the Private rented Housing Panel within a period of two weeks from the date of service of this Order.*
- 3. To carry out fully all works as are required to address the issues identified for the elimination of the damp and water penetration and resultant damage to the Property.*
- 4. To repair or replace the rainwater goods as necessary.*

*The Committee **HEREBY FURTHER ORDERS** that the Works specified in this Order must be carried out and completed before the expiry of the Completion Date of six weeks from the date of service of this Order. “*

Works required by the RSEO which have been undertaken:

A visual inspection of the property was undertaken. Looking specifically at the items/areas which were subject of the application and the RSEO, as served on the Landlord the tribunal was satisfied that the following works had been undertaken:

- Evidence of damp/timber treatments were noted, including replacement of wall linings and flooring in areas affected.
- There was no evidence of ongoing damp penetration or timber defect evident in areas open for inspection.
- The defective chimney had been capped in felt.
- Rainwater fittings had been repaired or replaced.
- Subsequent to the inspection, copies of specialist reports prepared by Advanced Preservation recommended works consistent with those evident from inspection.

Kingsley K Bruce, MRICS
Ordinary Member
First Tier Tribunal for Scotland
Housing and Property Chamber

12 June 2017

Photographs taken during Re-inspection







