

# Housing and Property Chamber First-tier Tribunal for Scotland



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

**Certificate of completion of work: Housing (Scotland) Act 2006 Section 60**

**Chamber Reference: PRHP/RP16/0283**

**Title Number: STG1638**

**Property Address: 3A Irvine Place, Stirling, FK8 1BZ (the "house")**

**The Parties:- Jonathan Preston, 3A Irvine Place, Stirling, FK8 1BZ ("the tenant")**

**Eleanor Campbell, 36 Chalton Road, Bridge of Allan  
Claire Campbell, 3 South Road, Impington, Cambridge  
Victoria Campbell, 258 Rutland Road, West Bridgeford,  
Nottingham ("the landlords")**

**Tribunal members: Mark Thorley, Chairperson  
Geraldine Wooley, Ordinary Member**

The First-tier Tribunal for Scotland (Housing and Property Chamber "the Tribunal") hereby certifies that the work required the Repairing Standard Enforcement Order relative to the property dated 3 January 2017 has been completed. Accordingly the said Repairing Standard Enforcement Order relative to this property has been discharged.

M Thorley

Signed.....  
Chairperson

Date..... 12 July 2018

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### Statement of Decision: Housing (Scotland) Act 2006

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## Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’), having made such enquiries as was appropriate for determining whether the landlords have complied with the Repairing Standard Enforcement Order (RSEO) in relation to the property concerned and taking account of the subsequent re-inspection of the property, determined that the landlords have complied with the order and that a certificate of completion to that effect should be issued in terms of Section 60 of the Housing (Scotland) Act 2006 (“the Act”).

## Background

1. By way of decision the tribunal issued a determination that the landlords failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”).
2. The tribunal had placed an RSEO on the property dated requiring the landlords:-
  - (a) To carry out such works as is identified as “Potentially dangerous (C2) within the Electrical Installation Certificate and thereafter to provide a new Electrical Installation Certificate showing that such works have been undertaken.
  - (b) To replace the window sills to the rear external wall of the property to ensure that the house is wind and watertight.
  - (c) To clean and point the rear external wall of the property to ensure that the property is wind and watertight.
  - (d) To remove/clear growing vegetation to the rear external wall and flank of the building to assist in the prevention of damp.

- (e) To investigate the external chimney to the side flank wall to identify such works as may be necessary to prevent damp.
3. On 8 May 2018 a re-inspection of the property was carried out by Ms Geraldine Wooley, Ordinary Member. The weather was fine and dry. The tenant remains in occupation.
4. In relation to the works required under the RSEO the following has been undertaken:-
- (a) A satisfactory Electrical Installation Condition Report has been supplied which is still valid and is attached to the report.
- (b) New UVPC window sills to the rear of the property fitted ensuring that rainwater drains away from the brickwork.
- (c) The rear external wall of the property has been repointed and remains in an acceptable condition to ensure the property is wind and watertight.
- (d) The rear of the building remains clear of vegetation.
- (e) Following installation of the damp proof course the damp meter readings along the flank bedroom window has been significantly reduced. The current readings are approximately 14% (compared to over 30% at 3 November 2017). Although 14% is slightly above a "dry" level it is clear that the wall has dried out significantly since the last inspection. Given the age and location of the property this is sound evidence that the damp proof course has been effective.
5. Accordingly the tribunal finds that the work as required to be undertaken in the repairing standard enforcement order has been undertaken.

### Right of Appeal

**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.

M Thorley

Signed

Chairperson

Date

5<sup>th</sup> July 2018