

Housing and Property Chamber

First-tier Tribunal for Scotland



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

CERTIFICATE OF COMPLETION under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/16/0343

Subjects at 2 South West Street, Buckie, Moray, AB56 1BR under Title Number BNF2301 ("the Property")

The Parties:-

Mr John Rumbles, formerly residing at 2 South West Street, Buckie, Moray, AB56 1BR ("the former Tenant")

and

Fiona Watt, residing at Arradoul House, Arradoul, Buckie, AB56 5BB ("the Landlord")

The Tribunal comprised:-

Mrs Ruth O'Hare	-	Legal Member
Mr Angus Anderson	-	Ordinary Member

The First-Tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the house dated 3 March 2017 has been completed. Accordingly the said Repairing Standard Enforcement Order 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 typewritten are executed by Ruth O'Hare, Legal Member of the Tribunal at Stonehaven on 24 September 2018 before this witness:-

R O'Hare

E Johnston

Witness

Legal Member

Elizabeth Johnston, 2 Mill O'Forest Grove
Stonehaven, AB39 2GH

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Statement of Decision under section 60(4) of the Housing (Scotland) Act 2006
("the 2006 Act")**

Chamber Ref: PRHP/RP/16/0343

**Subjects at 2 South West Street, Buckie, Moray, AB56 1BR under Title Number
BNF2301 ("the Property")**

The Parties:-

**Mr John Rumbles, formerly residing at 2 South West Street, Buckie, Moray,
AB56 1BR ("the former Tenant")**

and

**Fiona Watt, residing at Arradoul House, Arradoul, Buckie, AB56 5BB ("the
Landlord")**

The Tribunal comprised:-

Mrs Ruth O'Hare	-	Legal Member
Mr Angus Anderson	-	Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') unanimously determined that the works required by the Repairing Standard Enforcement Order ("RSEO") had been completed and resolved to issue a Certificate of Completion of Work.

Background

1. Reference is made to the determination of the Tribunal dated 3 March 2017 which determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act in that she had failed to ensure the Property met the Repairing Standard. The Tribunal therefore determined to make a Repairing Standard Enforcement Order ("RSEO"). The works required by the RSEO were:-

- (a) carry out such works as are necessary to the roof of the house and external walls to prevent water ingress;
- (b) repair or replace the damp and damaged wall linings in the kitchen and utility areas;
- (c) carry out such works as are necessary to clear all mould from the house; and
- (d) carry out internal decoration throughout the house following the completion of the aforesaid works.

The Tribunal required the works be completed within a period of six months from the date of service of the order.

- 2. Further to the aforementioned decision of the Tribunal, the Landlord intimated that she would not be completing the works specified in the order as she intended to sell the property to a purchaser who would complete the works himself. On 31 October 2017 the Ordinary Member carried out a re-inspection of the property and noted that the works had not been undertaken. Having regard to the upcoming sale of the property and the fact that it remained vacant, the Tribunal determined to vary the RSEO to extend the period for completion of the works by six months. Reference is made to the decision of the Tribunal dated 3 February 2018 in this regard.
- 3. By email dated 3 May 2018, the Landlord Registration Officer from Moray Council intimated to the Tribunal that the property had been sold as at 30 March 2018 to Ronald and Josephine Thain. The Tribunal subsequently intimated the terms of the RSEO to Mr and Mrs Thain by recorded delivery mail.
- 4. The Ordinary Member carried out a further re-inspection of the property on 4 September 2018. Mr Thain was present and allowed access. It was noted that the works required by the RSEO had been completed and Mr and Mrs Thain were occupying the property. A copy of the re-inspection report is attached herewith.

Reasons for the decision

- 5. The Tribunal determined the application having regard to the findings of the re-inspection and the representations from both parties. The Tribunal considered it had sufficient information on which to make a decision.
- 6. The Tribunal was satisfied on the basis of the re-inspection that the works required by the RSEO had all been completed. Accordingly the Tribunal determined that a certificate of completion should be issued.
- 7. The decision of the Tribunal was unanimous.

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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.

R O'Hare

Signed

Ruth O'Hare
Chairperson

24 September 2018

THIS IS THERE-INSPECTION REPORT REFERRED TO IN THE
DECISION OF THE TRIBUNAL DATED 24 SEPTEMBER 2018
R O'Hare
LEGAL MEMBER

Housing and Property Chamber First-tier Tribunal for Scotland



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

Re-Inspection Report: Housing (Scotland) Act 2006

Schedule of Photographs

2 South West Street, Buckie AB56 1BR

Chamber Reference : PRHP/RP/16/0343

Re-Inspection Date: 04/09/2018



Figure 1 Front and side elevations, new insulated cladding present.



Figure 2 Left Side Elevation, utility room, kitchen and middle bedroom windows



Figure 3 Front Bedroom - fresh decor



Figure 4 Front Bedroom typical moisture meter reading (11%) (previously 15%)



Figure 5 Lounge.- fresh decoration.



Figure 6 Middle Bedroom - Overview, redecorated.



Figure 7- Middle bedroom - window sill redecorated.



Figure 8 Rear bedroom - now redecorated.

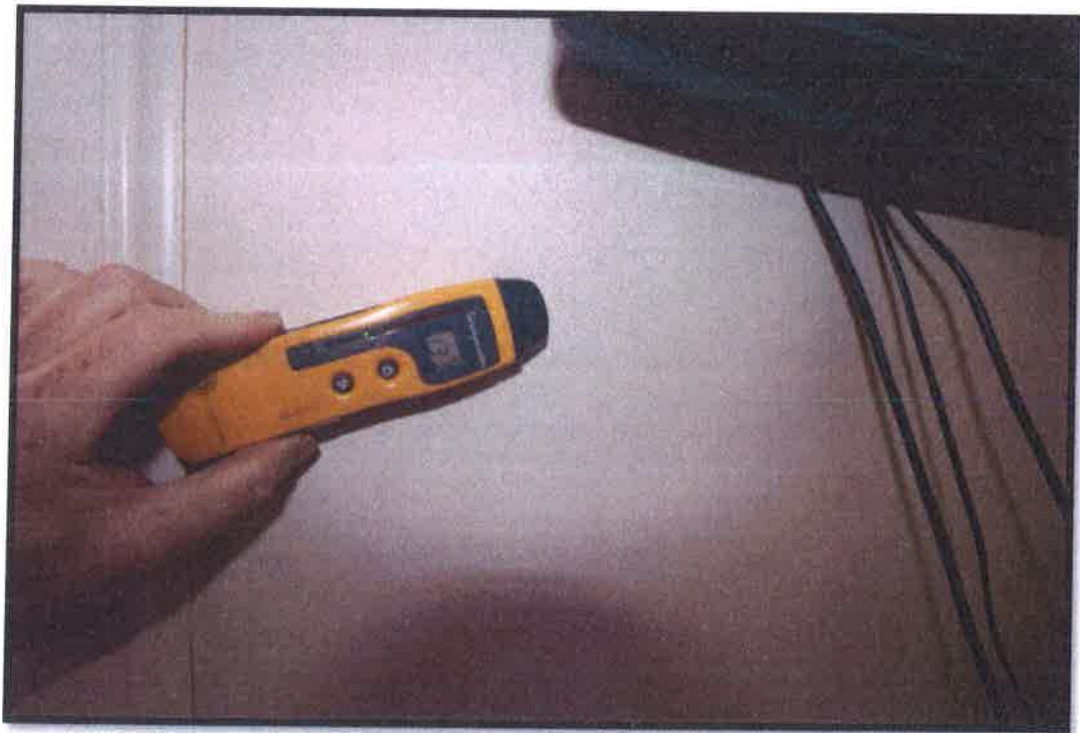


Figure 9 Rear bedroom - Meter reading (13%) rear corner, previously 16%.



Figure 10 Former kitchen overview. New cabinets and fridge freezer in place.

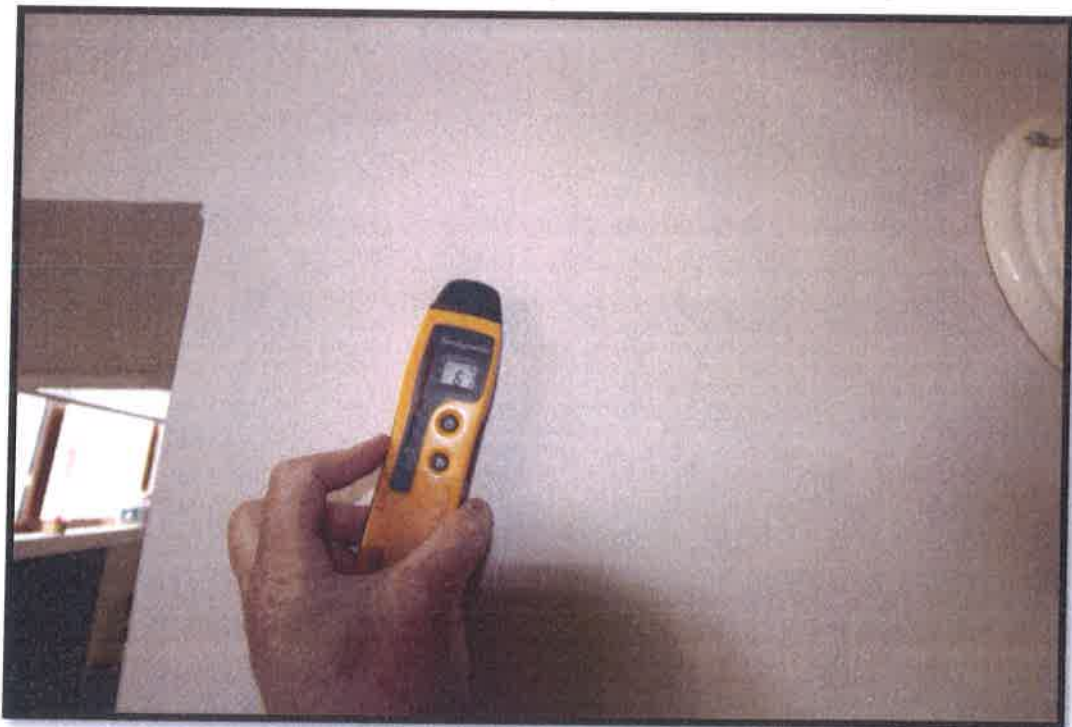


Figure 11 Doorway to utility room(new kitchen) - Meter reading (6%)(previously 9% & 100%).



Figure 12 - Former utility room, now kitchen overview

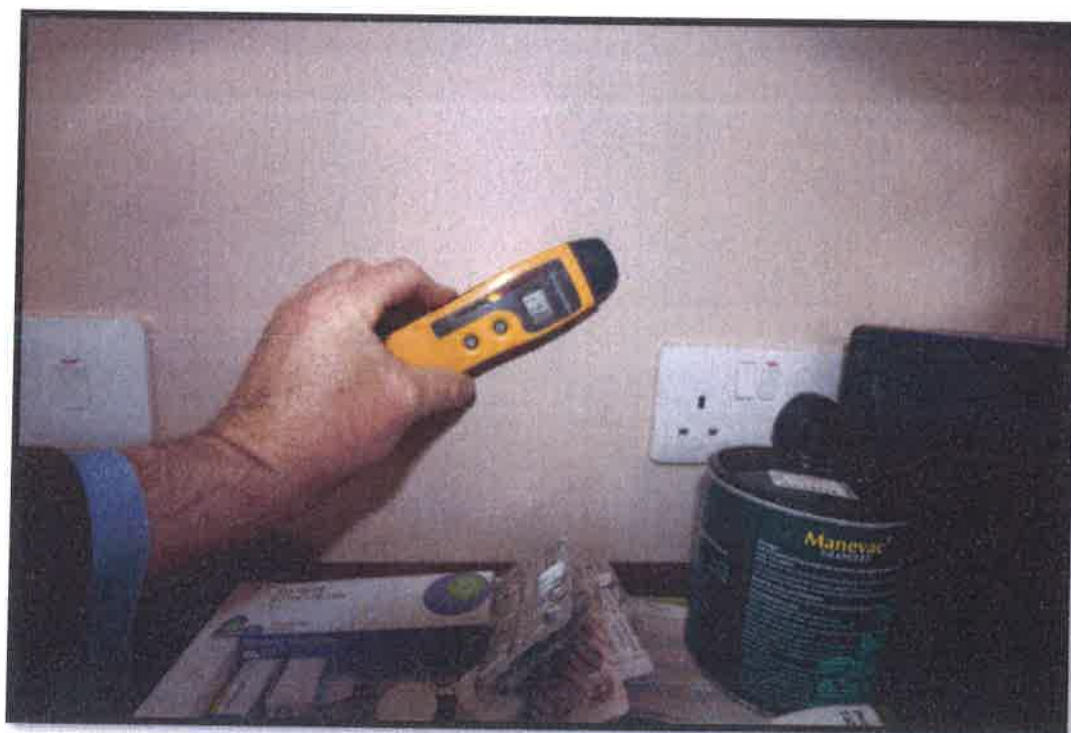


Figure 13 Kitchen - side wall, mid level. Moisture meter reading (18%, previously 100%)



Figure 14 Rear hall - new plasterboard and decor above rear entrance door.

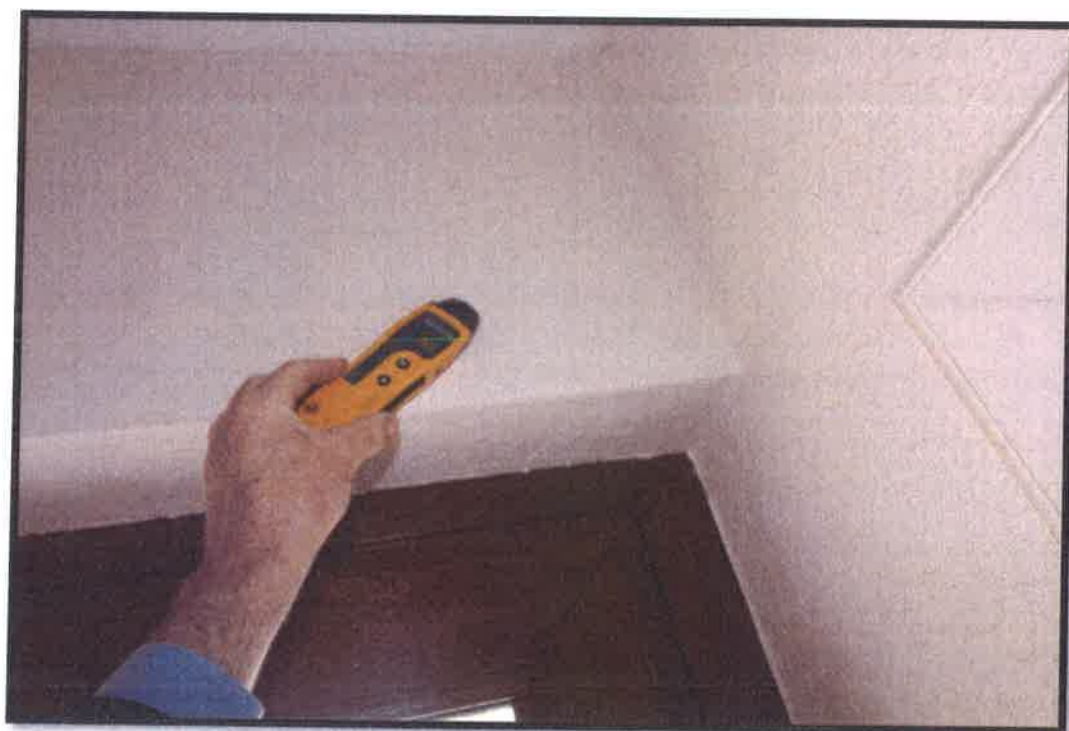


Figure 15 Rear hall - moisture meter reading (8%) (previously 100%)..



Figure 16 Shower Room - new fittings and tiling.



Figure 17 Rear entrance - new cladding and rainwater goods.



Figure 18 Rear section of flat roof with some ponding over bathroom, as before.



Figure 19 Rear section of flat roof over former utility room/new kitchen - now re-covered.



Figure 20 Rear section of flat roof at kitchen/utility room junction with some ponding over former kitchen, tears at junction with rear roof repaired.

John Duncan

Roofing Ltd

TEL: 01542 833501 / 01542 834220
FAX: 01542 833614

The Roofing Centre, 2 March

ST

MasterCard

Ronnie Thain
2 South West Street
Buckie
Moray
AB56 1BR

Date 09/05/2018

VAT Reg. No. 984 2061 12

Alt. Dates for Invoicing
Services
Thank You

13998.40

OLDER COPY **
IN THE RECORDS

NOT PRESENT

NOT VERIFIED

To:

Fix the crack on the fibre glass roof and to fit flashings around the chimney

Supply and fit a rubber sheet on the roof above the kitchen and to fit the gutter & down pipes

1,029.00

2,303.00

*Paid with thanks
22.05.18 Em*

TERMS OF AGREEMENT

Terms - Payment on invoice please. Thank you for the work.

Sort code: 80 05 87 Account no: 06004960

The title of these goods does not pass until payment in full of this invoice is made.

Managing Director: JOHN C. S. DUNCAN Directors: Mrs. G. DUNCAN Mrs. M. GORDON

SUB TOTAL 3,332.00

VAT 666.40

TOTAL 3,998.40

Gordon Smith Builder

19 Sutherland Street

Buckie

TEL: 01542 834326

26th Feb 2018

Mr R Thain
South West Street
Buckie

BUILDING WORK

1. Make good hole in kitchen floor
2. Remove old roughcast from rear extension
3. Apply bonding agent and scratchcoat
4. Roughcast to match existing

COST £980 (to include labour and materials for above work)