

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 Ref: FTS/HPC/RP/17/0221

Title no: REN54655

**Flat 0/2, 31 Montgomery Road, Gallowhill, Paisley, PA3 4PP
("the House")**

The Parties:-

**Miss Lauren Black, formerly residing at the House
(represented by her agents, Miss Claire Strong and Miss Lynne Hendry, Shelter
Scotland-Foundations First, 10 Falcon Crescent, Ferguslie, Paisley)
("the former Tenant")**

**Ms Yvonne Fletcher, 3 Gladstone Place, Edinburgh, EH6 7LX
("the Landlord")**

The Decision

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 Property served on 21 August 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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.

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 Patricia Anne Pryce, solicitor, 1 Atlantic Quay, Glasgow, chairperson of the tribunal at Glasgow on 29 April 2018 before this witness:-

_____	_____ witness	
<u>NICHOLAS PRYCE</u>	name in full	Patricia Pryce
<u>55 BLYTHWOOD ST</u>	Address	
<u>GLASGOW</u>		Chair and Legal Member

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)

Chamber Ref: FTS/HPC/RP/17/0221

Flat 0/2, 31 Montgomery Road, Gallowhill, Paisley, PA3 4PP
("the Property")

The Parties:-

Miss Lauren Black, formerly residing at the property
("the former Tenant") (represented by Miss Claire Strong and Miss Lynne Hendry, both of Shelter Scotland- Foundations First, 10 Falcon Crescent, Ferguslie, Paisley)

Ms Yvonne Fletcher, 3 Gladstone Place, Edinburgh, EH6 7LX
("the Landlord")

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order dated 14 August 2017 in respect of the property, and taking account of the written information provided by the Landlord determined that the Landlord has complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Patricia Anne Pryce	-	Chair and Legal Member
Nick Allan	-	Ordinary Member (Surveyor)

Background

1. On 14 August 2017, the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the Tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the tribunal required the Landlord:
 - (a) To instruct a report from an appropriately qualified contractor to establish the cause of the dampness located within the kitchen ceiling, to carry out all necessary works to eradicate said dampness, to make good any damage to decoration as a result of these works and to produce to the Tribunal a copy of the report and written confirmation from the contractor that the works have been carried out.
 - (b) To repair or replace all parts of the kitchen floor affected by dampness and to make good any damage to any floor covering caused by these works.
 - (c) To instruct a report by an approved pest control contractor in relation to the existence of insects located within the House and to carry out all works recommended by the said report.
3. The Tribunal ordered that the works specified in the RSEO were to be carried out within 6 weeks of the date of service of the Notice, that is, 3 October 2017. In the interim, the former Tenant intimated that she had left the property.
4. After further sundry procedure, a further inspection of the property was carried out by the Ordinary Member (Surveyor) of the tribunal. His re-inspection report dated 23 March 2018 is attached to this decision. All matters which had been outstanding in terms of the RSEO had been completed.
5. Given all of the circumstances, the tribunal found that all of the works in the RSEO, as varied, had taken place.
6. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Tribunal was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

Patricia Pryce

— Chair and Legal Member

29 April 2018

Date

Housing and Property Chamber
First-tier Tribunal for Scotland



Re-inspection Report
Flat 0/2, 31 Montgomery Road, Gallowhill, Paisley, PA3 4PP

Case Reference: FTS/HPC/RP/17/0221

Surveyor: Mr Nick Allan - Ordinary Member

Date of inspection: 23/03/2018

Time of inspection: 10.00 am

Weather conditions: Dull and damp

Present: Mr Nick Allan – Ordinary Member
Ms Yvonne Fletcher - Landlord



Photo 1 – Front elevation



Photo 2 – Rear elevation

The requirements of the RSEO:

The following works are required by the RSEO following the inspection and Hearing held on the 8th August 2017. The tribunal requires the Landlord: -

- a) To instruct a report from an appropriately qualified contractor to establish the cause of the dampness located within the kitchen ceiling, to carry out all necessary works to eradicate said dampness, to make good any damage to decoration as a result of these works and to produce to the Tribunal a copy of the report and written confirmation from the contractor that the works have been carried out.

Comment

At an earlier re-inspection undertaken on 19/12/2017, it was noted that this issue had been resolved. At the date of the re-inspection held on 23/03/2018, it was noted that this still remains the case. Photograph 3 below shows the section of kitchen ceiling that remains dry.

- b) To repair or replace all parts of the kitchen floor affected by dampness and to make good any damage to any floor covering caused by these works.

Comment

At an earlier re-inspection undertaken on 19/12/2018, it was noted that there was a section of completely saturated flooring to the right-hand side of the sink unit beneath the new vinyl floor covering. The Landlord advised that this had been caused by a spillage due to the sink basin being used before being properly connected to the waste water pipe.

At the date of the re-inspection held on 23/03/2018, it was noted that the previously saturated section of flooring was now completely dry. Photograph 4 below shows the area of kitchen floor that had been affected.

- c) To instruct a report by an approved pest control contractor in relation to the existence of insects located within the House and to carry out all works recommended by the said report.

Comment

The Tribunal had previously been provided with a copy of an invoice from Pest Solutions – Environmental Solutions dated 26th September 2017, for unspecified services.

At an earlier re-inspection undertaken on 19/03/2018, the Landlord advised that the property had been fully treated against infestation from insects, and confirmed the existence of small beetles in the property prior to specialist treatment. The Ordinary Member also observed the presence of a dead beetle.

At the date of the re-inspection held on 23/03/2018, there was no evidence indicating the presence of insects.



Photo 3 – Dry kitchen ceiling



Photo 4 – Previously saturated flooring

Nick Allan FRICS
Surveyor – Ordinary Member
First-tier Tribunal
Housing and Property Chamber - 5th April 2018