

Housing and Property Chamber First-tier Tribunal for Scotland



Determination of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/18/0037

Property Description: 9 Bull Road, Glasgow G76 8EF being the subjects registered in the Land Register under title number REN97743 ("House")

The Parties:-

Mr Rupesh Muramalla, residing at the House ("Tenant")

Ms Kirstien Simons or King, residing at 43 Fenella Crescent, Craigie, Western Australia, 6025 (represented by her agent Your Move, 7 The Toll, Clarkston, Glasgow G76 7BG) ("Landlord")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Joan Devine (Legal Member); Greig Adams (Ordinary Member)

Background

1. The Tribunal issued a decision on 3 May 2018 requiring the Landlord to comply with the Repairing Standard Enforcement Order ("RSEO") relative to the House issued by the Tribunal on the same date. The RSEO required the Landlord to:
 - (i) repair or replace the render on the exterior of the House as required to leave the render free from cracks and boss areas and ensure that the House is left in a wind and watertight condition with the render in a reasonable state of repair;
 - (ii) repair or replace all gutters and downpipes serving the House to leave the House wind and watertight and in a reasonable state of repair; and
 - (iii) appoint a suitably qualified damp specialist to report on the areas of dampness in the hall, bedroom and kitchen of the House and undertake all remedial works recommended, including all necessary redecoration.

The Tribunal ordered that the works specified in this order must be carried out and completed within the period of 10 weeks from the date of service of the RSEO.

2. The Landlord sought further time to complete the works set out in the RSEO. The Tribunal varied the RSEO by decision dated 30 August 2018 and extended the period for completion of the works to 31 October 2018.
3. A re-inspection was carried out on 7 March 2019. The inspection extended to a survey of the specified works detailed within the RSEO. The report narrated that high moisture readings were present in the House and there was visual discolouration due to dampness was evident in part.
4. The Tribunal issued a decision on 18 July 2019 in which the Tribunal noted that the Landlord had failed to comply with the RSEO.
5. On 4 November 2019 the Tribunal Administration received an email from the Landlord indicating that in her view the works required in terms of the RSEO had been completed. Accordingly the Tribunal carried out a further re-inspection of the House on 20 December 2019. A copy of the re-inspection report is annexed hereto.
6. A copy of the re-inspection report was sent to the Landlord by email on 7 January 2020 and she was invited to comment. A copy was also sent to her agents. No response was received.
7. The Tribunal considered the evidence obtained at the re-inspection in December 2019 and noted that whilst some works have been carried out, the repairs listed in the RSEO have not been carried out. Accordingly the Tribunal are unable to make a determination that the works are complete and to issue a certificate of completion in terms of section 60 of the Housing (Scotland) Act 2006.

Decision

8. The Tribunal, having carried out a re-inspection of the House are not satisfied that all necessary works in accordance with the RSEO have been completed and accordingly are unable to certify that the work has been completed. Accordingly the Tribunal have determined to refuse to issue a Certificate of Completion.

Right of Appeal

9. **A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

J Devine

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Joan Devine, Legal Member

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Date

24 February 2020

Glasgow 24 February 2020.
This is the reinspection report referred
to in the foregoing Determination
J Devine

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



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

Re-Inspection Report

Chamber Ref: FTS/HPC/RP/18/0037



Property: 9 Bull Road, Glasgow, G76 8EF being the subjects registered in the Land register under title number REN97743 ('The House')

The Parties:-

Mr Rupesh Muramalla, residing at the House ("the former Tenant")

Ms Kirstien Simons or King, residing at 43 Fenella Crescent, Craigue, Western Australia, 6025 (represented by her agent Your Move, 7 The Toll, Clarkston, Glasgow, G76 7BG) ('the Landlord')

The Tribunal consisted of:-

**Joan Devine, Chairing and Legal Member
Greig Adams, Ordinary Member (surveyor)**

Background: The Tribunal issued a Decision on 2 May 2018 requiring the Landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property. The RSEO required completion of the works specified within the order within a period of 10 weeks from the date of service of the notice. The former Tenant is not an active party and is no longer in occupation. The first reinspection was undertaken on Monday 30 July 2018, following which an application for an extension of time to



complete the works was received. A Variation to the RSEO was served extending the period allowed for completion of the works to 31 October 2018. A further reinspection was undertaken on 7 March 2019, which found works to be incomplete.

Access: The re-inspection was undertaken on Friday 20 December 2019 at 2.00pm by Mr Adams, Ordinary Member of the Tribunal. The inspection extended to a survey of the specified works detailed within the RSEO. Mr Adams was accompanied throughout the inspection by the Landlord's Letting Agent.

Purpose of Re-inspection: The purpose of the re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order has been completed.

Works required under the Repairing Standard Enforcement Order (RSEO): The RSEO required the Landlord:

- (i) repair or replace the render on the exterior of the House as required to leave the render free from cracks and boss areas and ensure that the house is left in a wind and watertight condition with the render in a reasonable state of repair;
- (ii) repair or replace all gutters and downpipes serving the House to leave the House wind and watertight and in reasonable state of repair; and
- (iii) appoint a suitably qualified damp specialist to report on the areas of dampness in the hall, bedroom and kitchen of the House and undertake all remedial works recommended, including all necessary redecoration.

The Tribunal ordered that the works specified in the Order must be carried out (following Variation of the RSEO) by 31 October 2018.

The re-inspection found:

1. Attempts at patch repairs of cracks evidenced to render had been progressed in conjunction with repair around the first floor windows and mullion details. Cracking remained noticeable over the Gable Elevation such as immediately above the pedestrian entrance door. Sections of boss render remained evident under an acoustic tap test.
2. Black PVC replacement gutters had been provided to the common parts.
3. It was evident that various plastering works had been progressed such as within the Hall and at low level to the Bedroom. However, there were visual signs of dampness evident above the entrance door with paint flaking from the affected area due to the saturated plaster. The plaster within this area was checked with a moisture meter and confirmed that these parts remained damp with saturated readings recorded.



This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

G Adams

**Greig Adams BSc (Hons) FRICS C. Build E FCABE LETAPAEWE
Surveyor Member
First-tier Tribunal for Scotland (Housing and Property Chamber)**



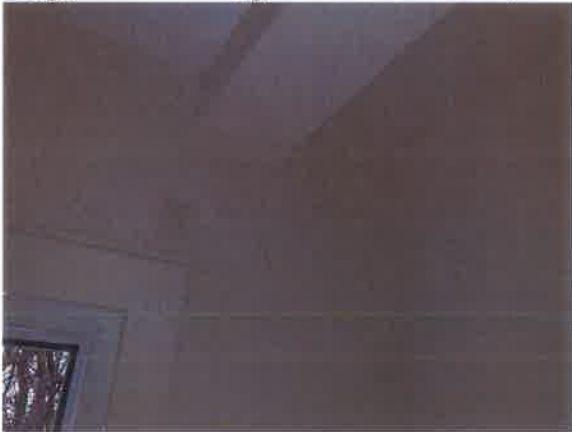
Appendix A – Photographic Record



1 High moisture readings above entrance door.



2 High moisture readings above entrance door.



3 Visual dampness above entrance door.



4 Bedroom.



5 Acceptable moisture content in Bedroom.



6 Living Room.



7 Acceptable moisture content at low level walls.



8 Bedroom.



9 Acceptable moisture content at low level walls.



10 Gable elevation – cracking remaining to render.



11 Gable elevation – cracking remaining to render.



12 Gable elevation – cracking remaining to render.



13 Gable elevation – cracking remaining to render.



14 Rear Elevation.



15 Rear Elevation.



16 Patch repairs to Front Elevation.



17 Front Elevation.

