

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: FTS/HPC/RP/19/0392

Subjects being the house 1 Baron Street, Buckie as more particularly described in Disposition by Ian Ronald Taylor and Jane Elizabeth Taylor, spouses, to said Ian Ronald Taylor and Jane Elizabeth Taylor, equally and survivor recorded in in the General Register of Sasine on 7 May 1991 under Deed Reference 01151 (“The House”)

The Parties:-

Miss Lidia Rimba formerly residing at 1 Baron Street, Buckie, Moray, AB56 1XD (“the former Tenant”)

Mr Andrew Mackie, Moray Council, High Street, Elgin, Moray, IV30 1BX (“the former Tenant’s Representative”)

Mr Ian Taylor, residing at Tzaneen, Burnside Road, Lhanbryde, Moray, IV30 8LF (“the Landlord”)

The Tribunal comprised:-

Mrs Ruth O’Hare - Legal Member
Mr Mark Andrew - 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 24th April 2019 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 Aberdeen on 1 July 2019 before this witness:-

S Boyle

R O'Hare

Witness



Legal Member

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: FTS/HPC/RP/19/0392

Property at 1 Baron Street, Buckie, Moray, AB56 1XD
("The House")

The Parties:-

Miss Lidia Rimba formerly residing at 1 Baron Street, Buckie, Moray, AB56 1XD ("the former Tenant")

Mr Andrew Mackie, Moray Council, High Street, Elgin, Moray, IV30 1BX ("the former Tenant's Representative")

Mr Ian Taylor, residing at Tzaneen, Burnside Road, Lhanbryde, Moray, IV30 8LF ("the Landlord")

The Tribunal comprised:-

Mrs Ruth O'Hare - Legal Member
Mr Mark Andrew - 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 decision of the Tribunal ("the Committee") dated 24th April 2019 which determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act in that he had failed to ensure that the Property met the Repairing Standard. The Tribunal therefore issued an RSEO in respect of the property requiring the Landlord to undertake the following works:-

(a) Repair or replace the electric oven;

- (b) Repair or replace the windows to the front of the property to ensure that they are wind and watertight and in proper working order;
- (c) Repair or replace the flat roof to ensure it is wind and watertight;
- (d) Produce the complete Electrical Installation Condition Report under reference EIC348516; and
- (e) Carry out any redecoration required following the above works.

The RSEO gave the Landlord six weeks to carry out the works.

2. On 1st May 2019 the Tribunal received a copy of the complete Electrical Installation Condition Report which confirmed that the electrics within the property were in a reasonable state of repair and proper working order.
3. On 14th June 2019 the Ordinary Member carried out a further re-inspection of the property. The Landlord was present and allowed access. The re-inspection concluded that the majority of the works required by the RSEO had been completed. The only outstanding issue was the flat roof which could not be fully inspected within the confines of the re-inspection albeit it appeared to be watertight. The Landlord was therefore asked to provide a copy of the invoice for the repairs to the flat roof so that the Tribunal could assess the standard of the work carried out. A copy of the re-inspection report is attached herewith.
4. On 25th June 2019 the Tribunal received a response from the Landlord to confirm that he was in agreement with the findings of the re-inspection report. As part of his response he provided copy invoices for the repairs to the flat roof.

Reasons for the decision

1. The Tribunal determined the application having regard to the findings of the re-inspection and the representations from the Landlord. The Tribunal considered it had sufficient information upon which to make a decision.
2. The Tribunal was satisfied on the basis of the re-inspection and the further response from the Landlord that the works required by the RSEO had all been completed to a satisfactory standard. Accordingly the Tribunal determined that a certificate of completion should be issued.
3. The decision of the Tribunal was unanimous.

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.

Signed  R O'Hare

Ruth O'Hare
Chairperson

1st July 2019

Housing and Property Chamber First-tier Tribunal for Scotland



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

RE-INSPECTION REPORT



PROPERTY: 1 Baron St., Buckie, Moray, AB56 1XD

DATE: 14th June 2019

HPC REF No: FTS/HPC/RP/19/0392

SURVEYOR: M H T Andrew FRICS

IN ATTENDANCE: Ian Taylor (Landlord), Ross McIvor (Clerk)

WEATHER: Fine, dry

ACCESS: By Landlord (Tenant had left prior to hearing)

RSEO: Dated 24th April 2019 required the landlord to:-

- (a) Repair or replace the electric oven;
- (b) Repair or replace the windows to the front of the property to ensure that they are wind and watertight and in proper working order;
- (c) Repair or replace the flat roof to ensure it is wind and watertight;
- (d) Produce the complete Electrical Installation Condition Report under reference EIC348516; and
- (e) Carry out any redecoration required following the above works.

WORKS IN RSEO UNDERTAKEN:

- (a) The electric oven has been replaced and is in proper working order
- (b) The windows to the front elevation have been repaired and now all have working catches to close the windows tightly and which allow for limited ventilation whilst securely closed and for the windows to open and close properly.
- (c) The flat roof has been repaired sufficiently to be watertight. The landlord was asked to provide a copy of the invoice for the work undertaken to show the material and technique used to repair / replace the defective flat roof which he agreed to do. It was not possible to see the flat roof from outside the property and to determine the standard of work achieved.
- (d) The Landlord had provided a clear EICR with his letter of 1st May 2019. The EICR is dated 03/03/2017
- (e) The landlord has carried out the necessary redecoration work (principally to the ceiling of the 1st floor landing

OBSERVATION:

The laminate flooring to the landing is old and the panels are no longer properly held together and can move resulting in potential trip hazards.

We would strongly recommend replacement of this floor covering.

RECOMMENDATION:

Subject to receipt of the invoice for the flat roof at (c) above being exhibited to The Tribunal confirming that a proper repair / replacement has been carried out all of the work required under the RSEO has been properly carried out and The Tribunal can consider issuing a Certificate of Completion and a revocation of the RSEO.

M H T Andrew FRICS

Ordinary Member (Surveyor)

Housing and Property Chamber

Date: 19th June 2019

Schedule of photographs of 1 Baron Street, Buckie, Moray, AB56 1XD



New Lamona oven



New hob and oven within floor unit and worktop.

Schedule of photographs of 1 Baron Street, Buckie, Moray, AB56 1XD



Front ground floor kitchen window – top section – catch



Front kitchen window – lower section – catch

Photographs taken by M H T Andrew FRICS FAAV FARLA on 14th June 2019

Schedule of photographs of 1 Baron Street, Buckie, Moray, AB56 1XD



Front ground floor sitting room window – top section - catch



sitting room window – lower section – catch

Front

Schedule of photographs of 1 Baron Street, Buckie, Moray, AB56 1XD



Front 1st floor bedroom window - catches



Front 1st floor second bedroom window – catches

Schedule of photographs of 1 Baron Street, Buckie, Moray, AB56 1XD



External view of flat roof. Not possible to find a higher point to see actual flat roof covering.



Internal view of flat roof over landing where leak occurred previously. Dry plaster re-decorated before recent heavy rain

Schedule of photographs of 1 Baron Street, Buckie, Moray, AB56 1XD



Laminate floor to landing which is loose. Sections easily moved