

Housing and Property Chamber

First-tier Tribunal for Scotland



Certificate of completion of work

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

Under section 60 of the Housing (Scotland) Act 2006

Case Reference Number: PRHP/RP/16/0320

Re: 43 Houston Road, Crosslee, Johnstone PA6 7AW ("the house")

Land Register Title No: REN18030

The Parties:-

Ms Alison Ward, formerly residing at the house ("the tenant")

Mr Terence Feeney and Mrs Gillian Feeney, 9 Napier Street, Linwood PA3 3AJ
("the landlords")

Tribunal Members – Sarah O'Neill (Chairperson); Nick Allan (Surveyor Member)

CERTIFICATE OF COMPLETION

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 issued by the tribunal on 9 January 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the house 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 printed on this and the previous page are executed by Sarah O'Neill, solicitor, chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the 4th day of September 2017 before this witness:

S O'Neill

A Spooner

witness _____

chairperson

ABIGAIL SPOONER name in full

_____ Address

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Housing and Property Chamber

First-tier Tribunal for Scotland



**Statement relative to Certificate of Completion of Work issued by
the First-tier Tribunal for Scotland (Housing and Property Chamber)**

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**Mr Terence Feeney and Mrs Gillian Feeney, 9 Napier Street, Linwood PA3 3AJ
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**Tribunal Members – Sarah O'Neill (Chairperson); Nick Allan (Ordinary Member,
Surveyor)**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') issued a Repairing Standard Enforcement Order (RSEO) in respect of the property on 9 January 2017.
2. The RSEO required the landlord to:
 1. Obtain an updated dampness survey report by Richardson and Starling, or another suitably qualified specialist surveyor, in respect of the house, given that the existing report obtained by the landlords and dated 5 November 2015 is now more than a year old.
 2. Carry out any remedial works recommended in that report, in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.
 3. Commission a suitably qualified building contractor to identify any external defects, including in particular any issues with the roughcast, downpipes

and mastic around the windows, which may be contributing to the dampness within the house.

4. Carry out any remedial works recommended by that contractor, in order to ensure that the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
5. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

The tribunal ordered that the works specified in the RSEO must be carried out and completed within the period of **two months** from the date of service of the RSEO.

3. Following the issue of the RSEO, the tenant's representative confirmed to the tribunal on 6 March 2017 that the tenant had vacated the house.
4. The ordinary (surveyor) member of the tribunal carried out a re-inspection of the house on 22 March 2017. His re-inspection report, including photographs which were taken during the inspection, is attached to this statement. He found that items 1 and 2 had not yet been carried out. The landlords had not obtained an updated dampness survey report, and significant damp meter readings were recorded in all three bedrooms and in the lounge. He found that items 3 and 4 had been completed, and that in relation to item 5, internal finishing and decoration works were underway.
5. On 19 April 2017, Mr Terence Feeney, one of the joint landlords, sent an email to the tribunal, in response to the re-inspection report. In his email, he expressed doubts regarding the method of dampness testing used by the surveyor, and restated his view that the issues within the property were a result of condensation, rather than dampness. He said that the contractor who had carried out the recent internal works at the house had found a leak in the radiator in the front bedroom, and suggested that this was responsible for the dampness readings. He attached a brief report dated 18 April 2017 from Mr Thomas Smith of TS Smith, Building Renovation Specialists, Dunlop, stating that he had carried out a damp survey at the house. The report said that a normal moisture reading had been found throughout the base of all walls with the exception of two areas where damp readings 'just above tolerance' were found. It recommended that no works were required.
6. The ordinary (surveyor) member of the tribunal carried out a further re-inspection of the house on 23 May 2017. His re-inspection report, including photographs which were taken during the inspection, is attached to this statement. He found

that the internal and external decoration and painting of the house had now been completed to an acceptable standard. On this occasion, the ordinary member deployed a dual function dampness meter capable of determining levels of moisture below surfaces, and deeper within building materials, utilising radio waves. He confirmed that there remained significant damp readings in bedrooms 1 and 2 and the lounge, consistent with those obtained at both the original inspection in December 2016 and the re-inspection of 22 March 2017. He stated his view that the principal cause of the significant dampness levels still being recorded within the house was not condensation-based.

7. On 19 June 2017, an email was received from Mr Feeney in response to the re-inspection report. He stated that he had taken advice from a further two building surveyors, who have both advised that the dehumidifiers he had been using were inadequate to address the moisture content in the walls, and that he had upgraded the dehumidifiers and kept the heating on in the house. He said that the reason he had not completed the works prior to the re-inspection was due to the difficulty of identifying the source of the problem, and that he was 'extremely optimistic' that he had identified the root cause of the problem. He invited the tribunal to inspect the house again. On 24 June 2017, he sent to the tribunal a copy of a damp survey report from Peter Cox Ltd, specialist damp and rot surveyor, which stated that no specialist remedial treatment was required at the house.
8. The ordinary (surveyor) member of the tribunal carried out a third re-inspection of the house on 2 August 2017. His re-inspection report, including photographs which were taken during the inspection, is attached to this statement. He found that the moisture readings in bedrooms 1 and 2 and in the lounge indicated that there were no current issues relating to moisture in each of those rooms.
9. The tribunal therefore determined that the works required by the RSEO have been completed satisfactorily, and that the appropriate Certificate of Completion in terms of section 60 of the Housing (Scotland) Act 2006 should be issued.

Rights of Appeal

10. 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.
11. 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.....

Sarah O'Neill, Chairperson

.....Date.....4/9/17.....

Housing and Property Chamber First-tier Tribunal for Scotland



Re-Inspection of

43 Houston Road, Crosslee, Johnstone, PA6 7AW

Case Ref: PRHP/RP/16/0320 22nd March 2017

Part 1 - Photograph Schedule

WEATHER CONDITIONS – Sunny and dry.

PHOTOGRAPHS – All photographs were taken at the time of the inspection.

DESCRIPTION OF SUBJECTS – The subjects comprise a ground floor flat within a two-storey block of four flats, constructed approximately 80 years ago. The internal accommodation extends to 4 apartments, kitchen and bathroom (Lounge + 3 bedrooms).



(Ph1) F/E – Roughcast repairs

(Ph2) F/E – Roughcast repair

This is the reinspection report dated 12/3/17 refer to
the Gregory Lewis

S O'Neill



(Ph3) R/E – Roughcast repairs



(Ph4) R/E – Roughcast repairs



(Ph5) R/E – Roughcast repair



(Ph6) R/E – Roughcast repair



(Ph7) Bed 3 – Redecoration works



(Ph8) Bed 2 – Redecoration works



(Ph9) Bed 3 – Window sill primed



(Ph10) Bed 3 – Wardrobe floor



(Ph11) Bed 3 – Wardrobe P/B lined



(Ph12) Replacement Bathroom



(Ph13) Replacement Bathroom



(Ph14) Lounge - Redecoration works



(Ph15) Lounge – Repair to bay wall socket



(Ph16) Kitchen works



(Ph17) Hallway – Redecoration works

43 Houston Road, Crosslee, Johnstone, PA6 7AW

Case Ref: PRHP/RP/16/0320 10am on 22nd March 2017

Part 2 - Re-inspection notes

Present: - Mr N. Allan (Ordinary Member)

Mr Terence Feeney (The Landlord)

Mr James Robertson (L/L's contractor)

RSEO Requirements: -

1. Obtain an updated dampness survey report by Richardson and Starling, or another suitably qualified specialist surveyor, in respect of the house, given that the existing report obtained by the landlords and dated 5 November 2015 is now more than a year old.
- *L/L was asked if he had obtained an updated report. He answered "No".*
2. Carry out any remedial works recommended in that report, in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.
- *After being asked, L/L confirmed that he was using the 2015 R & S Report as the basis for undertaking works to the property. Yet on being questioned further, L/L confirmed that works to the property did not include measures to resolve rising damp issues. These issues had previously been identified in the original R & S report.*
 - *At the time of the re-inspection, significant damp meter readings were recorded, as before, in Bedrooms 2 & 3, and in the Lounge. Because the property has now been vacated and is devoid of furniture, it was possible to take readings in Bedroom 1 for the first time. Significant readings were also recorded in this room along the internal face of the front elevation.*

3. Commission a suitably qualified building contractor to identify any external defects, including in particular any issues with the roughcast, downpipes and mastic around the windows, which may be contributing to the dampness within the house.
 - *L/L confirmed that a verbal report had been obtained from his building contractor, Mr James Robertson, who was also present. Mr Robertson confirmed this.*
4. Carry out any remedial works recommended by that contractor, in order to ensure that the structure and exterior of the house (including drains, gutters, and external pipes) are in a reasonable state of repair and in proper working order.
 - *L/L confirmed that roughcast/rendering repairs had been completed.*
5. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.
 - *It was observed that internal finishing and decoration works are currently underway. The bathroom has been replaced.*

Housing and Property Chamber First-tier Tribunal for Scotland



Re-Inspection of

43 Houston Road, Crosslee, Johnstone, PA6 7AW

Case Ref: PRHP/RP/16/0320 23rd May 2017

Part 1 - Photograph Schedule

WEATHER CONDITIONS – Sunny and dry.

PHOTOGRAPHS – All photographs were taken at the time of the inspection.

DESCRIPTION OF SUBJECTS – The subjects comprise a ground floor flat within a two-storey block of four flats, constructed approximately 80 years ago. The internal accommodation extends to 4 apartments, kitchen and bathroom (Lounge + 3 bedrooms).



This is the re-inspection report dated 23/5/17 referred
to in the original decision
S O'Neill



(Ph1) R/E – 1st re-inspection



(Ph2) R/E – 2nd re-inspection



(Ph3) Lounge – 1st re-inspection



(Ph4) Lounge – 2nd re-inspection



(Ph5) B/R – 1st re-inspection



(Ph6) B/R – 2nd re-inspection



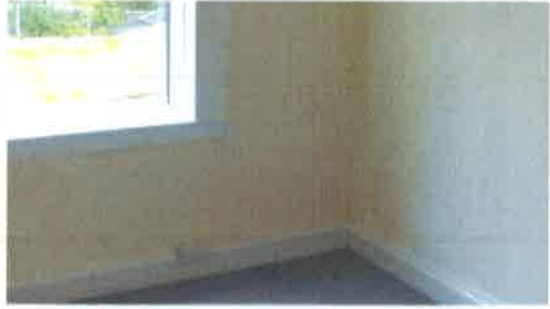
(Ph7) Bed 3 – 1st re-inspection



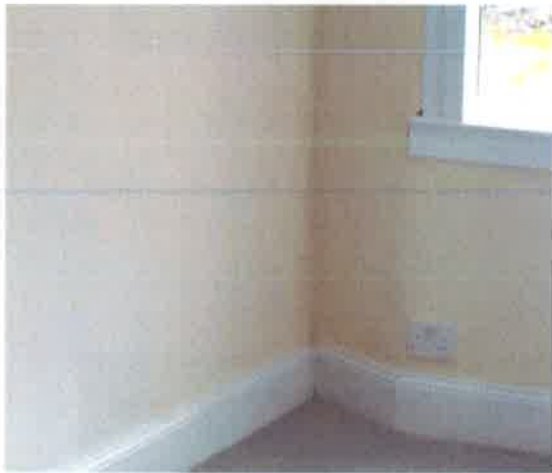
(Ph8) Bed 3 – 2nd re-inspection



(Ph9) Bed 1 – High damp readings



(Ph10) Bed 2 – High damp readings



(Ph11) Lounge – High damp readings



(Ph12) Kitchen – Original inspection



(Ph13) Kitchen – 2nd re-inspection

43 Houston Road, Crosslee, Johnstone, PA6 7AW

Case Ref: PRHP/RP/16/0320 10am on 23rd May 2017

Part 2 - Re-inspection notes

Present: - Mr N. Allan (Ordinary Member)

Mr Terence Feeney (The Landlord)

1. It was noted that the process of decorating and painting the property, both internally and externally, and only partially completed at the time of the previous re-inspection on 22nd March, was now complete and to an acceptable standard.
2. It was noted that the property now been fitted with appropriate floorcoverings throughout.
3. A dual function dampness meter capable of determining levels of moisture below surfaces, and deeper within building materials was used to check the Lounge, and each Bedroom where previous inspections by the Ordinary Member had resulted in excessive dampness levels being recorded.
(The meter scale extends from 0-999, with readings over 200-250 indicating a threat to timber, if within close proximity)
4. The moisture reading results were as follows: -
 - a) **Bedroom 1** – Readings between 400-600 were obtained at a wall height level of approximately 30-50cm. These readings were obtained close to the external wall, near to its junction with the dividing wall between Bedrooms 1 and 2. These readings indicate a serious level of moisture present below the internal wall surface.
 - b) **Bedroom 2** – Readings between 400-999 were obtained at a wall height level of approximately 30-50cm. These readings were

obtained close to the external wall, near to its junction with the dividing wall between Bedroom 2 and the Lounge. These readings indicate a significant level of moisture present below the internal wall surface.

c) **Bedroom 3** – No readings of concern were recorded in this room, suggesting that the external repairs undertaken to the adjacent downpipe and rendering have likely proved effective.

d) **Lounge** – A reading of 999 was obtained at a height of 30-50cm from the external wall to the left of the bay window. This reading indicates a significant level of moisture below the internal wall surface.

5. The dampness readings obtained in Bedrooms 1 and 2, and those recorded in the Lounge, are consistent with those obtained during the original inspection in December 2016, and the subsequent re-inspection in March 2017. They are also consistent with the damp survey report obtained by the Landlord from Richardson and Starling in November 2015.
6. The property has been well ventilated since the tenant moved out approximately 3-4 months ago, and the central heating system was disconnected during the refurbishment works. This would support the view held by the Ordinary Member, that the principal cause of the significant dampness levels still being recorded within the property is not condensation-based. The root cause of the dampness at the three locations highlighted above remains to be eradicated.

Nick Allan FRICS

Ordinary Member

First-tier Tribunal for Scotland

08/06/2017

Housing and Property Chamber First-tier Tribunal for Scotland



3rd Re-Inspection of

43 Houston Road, Crosslee, Johnstone, PA6 7AW

Case Ref: PRHP/RP/16/0320 2nd August 2017

WEATHER CONDITIONS – Sunny and dry.

PHOTOGRAPHS – All photographs were taken at the time of the inspection.

DESCRIPTION OF SUBJECTS – The subjects comprise a ground floor flat within a two-storey block of four flats, constructed approximately 80 years ago. The internal accommodation extends to 4 apartments, kitchen and bathroom (Lounge + 3 bedrooms).

PRESENT -
Mr Nick Allan (Ordinary Member)
Mr Terence Feeney (The Landlord)
Mr Ian Mathews (Electrical Contractor)



This is the re-inspection report dated 2 August 2017
related to the ongoing statement.

S O'Neill



Photo 1 - Lounge

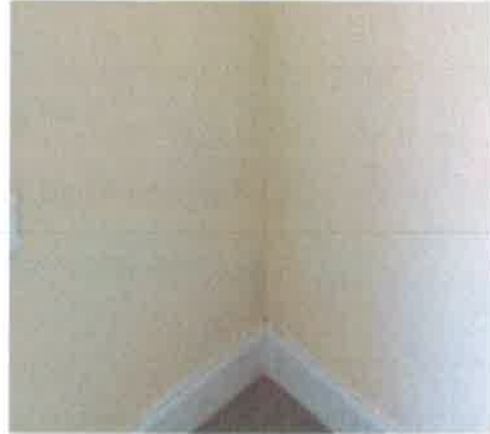


Photo 2 – Bedroom 2



Photo 3 – Bedroom 1

Re-inspection notes

1. A dual function dampness meter capable of determining levels of moisture below surfaces, and deeper within building materials was once again used to check the Lounge, and each Bedroom where previous inspections by the Ordinary Member had resulted in excessive dampness levels being recorded.

(The meter scale extends from 0-999, with readings over 200-250 indicating a threat to timber, if within close proximity)

2. The moisture reading results were as follows: -

- a) **Bedroom 1** – Readings were comfortably below 200 indicating that there are no current issues relating to moisture in this room.
- b) **Bedroom 2** – Readings were comfortably below 200 indicating that there are no current issues relating to moisture in this room.
- c) **Lounge** – Readings were comfortably below 200 indicating that there are no current issues relating to moisture in this room.

Nick Allan FRICS

Ordinary Member

First-tier Tribunal for Scotland

02/08/2017