

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: PRHP/RP/16/0097

Title No: REN6165

**42 Ravenscliffe Drive, Giffnock, Glasgow, G46 7QP
("the property")**

The Parties:-

**Ms Andrea Cambridge, formerly residing at the property
("the Tenant")**

**Rabbi Mordecai Bamberger, 38 Yisoh Brocho Street, Jerusalem, 95341, Israel
("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 22 June 2016 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 23 October 2017 before this witness:-

S Corr

witness

SHAUNA CORR

name in full

P Pryce

45 ROBERTSON STREET

Address

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: PRHP/RP/16/0097

Title No: REN6165

42 Ravenscliffe Drive, Giffnock, Glasgow, G46 7QP
("the property")

The Parties:-

Ms. Andrea Cambridge, formerly residing at the property
("the Tenant")

Rabbi Mordecai Bamberger, residing at 38 Yisoh Brocho Street, Jerusalem,
95341, Israel
("the Landlord") (represented by Douglas Dickson Property Management
Limited, 3 Fitzroy Place, Glasgow, G3 7RH)

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 22 June 2016 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
Kingsley Bruce	- Ordinary Member (Surveyor)

Background

1. On 22 June 2016, the Private Rented Housing Committee ("the Committee") 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 Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.

2. The RSEO made by the Committee required the Landlord to:

1. To instruct an appropriate and, if necessary invasive, investigation sufficient to allow the inspection of the supporting beam ("the bresummer") across the top of the living room window to determine the extent of any rot which may be present within the beam by a suitably qualified person and to complete any and all repairs identified and recommended by the said investigation.
2. To carry out all necessary repairs to ensure that the roof is wind and watertight and in reasonable condition including, but not limited to, all slipped, missing and damaged slates to be replaced and all roof details.
3. To replace the fractured soil stack pipe located to the rear of the property.

3. The Committee ordered that the works specified in the RSEO were to be carried out within 28 days of the date of service of the Notice, that is, by 25 July 2016.

4. The jurisdiction of the PRHP was assumed by the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") on 1 December 2016.

5. The Surveyor Member carried out a re-inspection on 26 August 2016 and noted that some of the works required by the RSEO had been carried out but that several works remained outstanding. A copy of the Surveyor Member's report of that date was sent to the Landlord.

The Committee attended at the property for a further inspection on 10 October 2016 which was attended by the Tenant and her parents but the Landlord was not in attendance nor was he represented. The Committee held a further hearing on that same date. The Committee found that the roof of the property still contained numerous slipped, missing and damaged slates despite some works having been carried out to it. The Committee also found that an attempt had been made to repair the downpipe to the rear of the property by using a mastic type sealant as a filler in the crack but that there was an indication of seepage and corrosion on the cast iron of the pipe and the integrity of the pipe was compromised. The Committee noted that no exploratory works had been carried out to the bresummer beam. The RSEO stated that replacement of the fractured pipe was required. As a result, the Committee issued a decision and a Rent Relief Order in light of this further inspection.

The Landlord thereafter intimated to the Committee his intention to appeal the Committee's decision to the Sheriff Court. The Committee heard nothing further regarding this appeal.

6. Thereafter, the Landlord did not make contact with the tribunal until on or about April 2017. The tribunal was advised by the local authority that the Tenant had vacated the property on or about April 2017. Between April 2017 and August 2017, the Landlord provided the tribunal with various reports and further documentation in relation to the works outstanding in terms of the RSEO. As a result, the Ordinary Member undertook a further re-inspection of the property in August 2017. A copy of his report was sent to the Landlord. It was noted that almost all of the works in terms of the RSEO had been completed. However, it was noted that there were still slipped, missing and broken tiles on the roof. In response to this report, the Landlord's agent emailed the tribunal on 28 August 2017 to confirm that the roofing contractor had been instructed to carry out the outstanding works. In this same email, the agent requested a further hearing.

7. On 13 October 2017, the tribunal attended at the property for a further inspection. The Landlord did not attend the property but he was represented by his agent, Miss Shona McLellan of Douglas Dickson Property Management Limited. The tribunal noted that all works in terms of the RSEO had been completed. A hearing took place at Wellington House in Wellington Street, Glasgow on that same date. The Landlord did not attend this hearing but he was represented there by Miss McLellan. The tribunal noted that the works had been carried out to the roof and Miss McLellan provided two further invoices dated 25 and 31, both August 2017 from Glendinning Builders in relation to these further works.

A schedule of photographs taken by the Ordinary Member at the inspection on 13 October 2017 is attached to this decision.

8. Given all of the circumstances, the tribunal found that all of the works in the RSEO had taken place.

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

Observations

The tribunal noted during its inspection on 13 October 2017 that a further tile had fallen from the roof. The roof was wind and watertight. However, the tribunal noted that the roof is of an age which will require regular maintenance to ensure that it continues to meet the repairing standard. Furthermore, the tribunal noted that, while not forming part of the present application, both the driveway and the fences located to the rear of

the property, are in a very poor and dangerous state of repair and would strongly urge the Landlord to carry out the necessary repairs to these items to ensure that they meet the repairing standard prior to the property being re-let.

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.

P Pryce

Chair and Legal Member

23 October 2017

Date

Schedule of Photographs:

42 Ravenscliffe Drive, Giffnock

Ref: PRHP/RP/16/0097

Date: 13 October 2017



