

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/17/0370

Title no/Sasines Description: MID70342

Property Address: 122/4 Duke Street, Edinburgh EH6 8HR

The Parties:-
Mrs Maureen Kay, 122/4 Duke Street, Edinburgh EH6 8HR ("the tenant") represented by Andrew McCloskey, Community Help & Advice Initiative, ELS House, 555 Gorgie Road, Edinburgh EH11 3LE

Mr Khwaja Akbar Mir, Craigroyston House, 50 West Shore Road, Edinburgh EH5 1QH and Mrs Sabira Mir, Craigroyston House, 50 West Shore Road, Edinburgh EH5 1QH ("the landlords")

The landlords are represented by Alan Mauran

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 dated 30 January 2018 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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 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 the presents typewritten on this and the preceding page are subscribed as follows:-

M Thorley

L hogg

..... Chairing Member

..... Witness

B. D. B. B. B. Place of signing

16 SEVENTH Witness address

10.7.18 Date of signing

STREET

NEWTONGRANGE

EH22 4JT

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’), having made such enquiries as it saw fit for determining whether the landlords have complied with the Repairing Standard Enforcement Order (RSEO) made by the tribunal on 30 January 2018, determined that the landlords have complied with the order and that a certificate of completion of work to that effect should be issued in terms of Section 60 of the Housing (Scotland) Act 2006 (“the Act”).

Background

1. By application received on 28 September 2017, the tenant applied to the tribunal for a determination of whether the landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”).
2. The application by the tenant stated that the tenant considered that the landlords had failed to comply with their duty to ensure that the house meets the repairing standard.
3. Upon an inspection and hearing on 18 December 2017 the tribunal made a repairing standard enforcement order (“the order”). The order required the landlords -
 - (a) To obtain a report in respect of dampness in the property from a suitably qualified damp specialist surveyor or such other specialist to confirm the nature and extent of the damp and thereafter to attend to such work as is identified in terms of such report.

The tribunal order that the works specified by that order should be carried out within a period of eight weeks from the date of service of the notice.

4. The Ordinary Member re-inspected the property on 21 May 2018.
5. An invoice was provided by the landlords dated 12 April 2018 from Corstorphine Roofing and Building confirming that the full cost of the repairs for the roof had been paid for by the landlords. Photographs were also provided.
6. The property had been stripped and redecorated subsequent to the initial inspection. There was no visible signs of damp in any of the rooms which had previously been observed at the original inspection on 18 December 2017.
7. Damp meter readings taken by the Ordinary Member at the re-inspection showed there were no unacceptable levels of dampness in the property.
8. A hard wired smoke detection system had been installed and a certificate from Forth Fire Protection dated 21 February 2018 provided.
9. An electrical installation condition report from Corstorphine Electrical Services dated 7 February 2018 had been provided by the landlords which shows that the installations are satisfactory. The tribunal accordingly finds that the works as required to be undertaken in the repairing standard enforcement order have been undertaken.

Summary of Issues

The issue is to determine whether the landlords have carried out the works required by the repairing standard enforcement order made on 30 January 2018 and whether a certificate of completion of work should be issued. The tribunal is satisfied that all work required by the order has now been carried out.

Right of Appeal

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.

M Thorley

Signed

Chairperson

Date

5 July 2018

PRHP/RP/17/0370

Property – 122/4 DUKE STREET, EDINBURGH EH6 8HR

Reinspection Report 21 MAY 2018



Report on Reinspection following Repairing Standard Enforcement Order dated 3 January 2018.

1.0 SUMMARY

This property was reinspected on Monday 21 May 2018 at 1000 by Susan Napier, Ordinary Member. The landlord was represented by Ms Shabana Khan who was in attendance. The property is currently unoccupied.

The property is a top floor flat in a four storey block facing northeast and comprises hall, living room, three bedrooms, bathroom and kitchen accessed from a common stair.

The weather was dry, light cloud with a light wind.

Photographs taken on 21 May 2018 are attached in Appendix1.

2.0 Repairing Standard Enforcement Notice

2.1 The following works were required in the Repairing Standard Enforcement Notice issued on 3 January 2018.

2.1.1 There were visible signs of water penetration in the ceiling of the living room and in the window surrounds.

2.1.2 There was further evidence of water penetration in one of the rear bedrooms again around the ceiling and at the window.

2.1.3 There was also evidence of water penetration in the remaining two bedrooms and in the hall.

2.1.4 Damp meter readings in the living room confirmed an unacceptable level of dampness.

2.1.5 There appeared to be no hard wired smoke detection system and alarm system.

2.1.6 There appeared to be no up to date Gas Safety Certificate

2.1.7 There appeared to be no up to date Electrical Installation Condition Report.

2.2 At the reinspection visit on 21 May 2018 the following was found:

2.2.1 The roof had been repaired by Corstorphine Roofing and Building Ltd and photographs and the invoice dated 12 April 2018 for £11,868.00 had been provided by the landlord. The landlord had paid for the full cost of the roof repairs and was endeavouring to recoup shares from the other owners in the tenement.

2.2.2 The entire flat had been stripped and redecorated and repainted, and there were now no visible signs of damp in any of the rooms where damp had been observed at the original inspection on 18 December 2017

2.2.3 Damp meter readings taken by myself at the reinspection showed there were no unacceptable levels of dampness in the property.

2.2.4 A hard wired smoke detection system has been installed and a certificate from Forth Fire Protection dated 21 February 2018 provided.

2.2.5 Electrical Installation Condition Report from Corstorphine Electrical Services dated 7 February 2008 had been provided by the landlord which shows that the installations are satisfactory.

2.2.2 A Gas Safe Certificate has not been produced by the landlord and this should be requested.

This report will be distributed to the parties and/or their representatives for their comment. It will be referred afterwards to the Tribunal for their consideration and further action as appropriate.

Susan Napier, BSocSc, FRICS

28 May 2018

Appendix 1

Photographs of 122/4 DUKE STREET, EDINBURGH EH6 8HR

taken on 21 MAY 2018

Living Room – No evidence of dampness. All redecorated and repainted

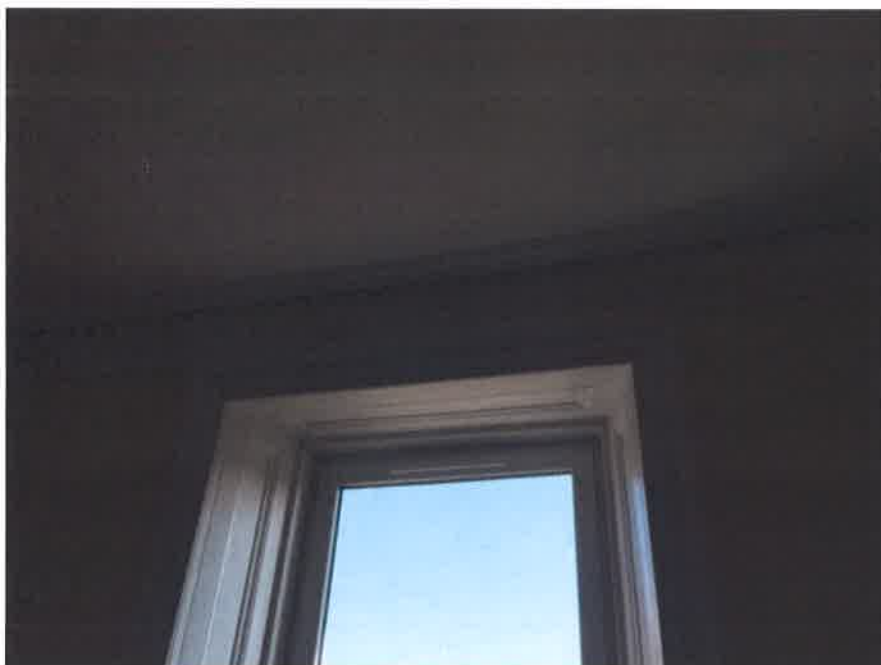




Bedroom 1 – no evidence of dampness



Bedroom 2 – no evidence of dampness



Bedroom 3 – no evidence of dampness



Hall – no evidence of damp staining



Hard wired smoke detector system installed

