

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**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/17/0234**

**Title no: GLA126367**

**Flat 0/2, 16 Clifford Street, Glasgow, G51 1NT  
("the House")**

**The Parties:-**

**Mr Paul Pattison, formerly residing at the property  
("the Tenant")**

**KPM Estates Limited, 10 Lynedoch Crescent, Glasgow, G3 6EQ  
("the Landlord") (represented by KPM Residential Limited, 23 Park Circus,  
Glasgow, G3 6AP)**

### **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 21 August 2017 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**



In witness whereof these presents type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 20 York Street, Glasgow, chairperson of the tribunal at Glasgow on 3 August 2018 before this witness:-

witness  
 NICHOLAS RAYCE name in full  
 55 BLYTHWOOD ST Address  
 GLASGOW

**Chair and Legal Member**



# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)**

**Chamber Ref: FTS/HPC/RP/17/0234**

**Flat 0/2, 16 Clifford Street, Glasgow, G51 1NT**  
**("The Property")**

**The Parties:-**

**Mr Paul Pattison, formerly residing at the property**  
**("the Tenant")**

**KPM Estates Limited, 10 Lynedoch Crescent, Glasgow, G3 6EQ**  
**("the Landlord") (represented by KPM Residential Limited, 23 Park Circus,**  
**Glasgow, G3 6AP)**

### **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 14 August 2017 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**

**Nick Allan**

**- Ordinary Member (Surveyor)**



## **Background**

1. On 14 August 2017, the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") 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 Tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the tribunal required the Landlord:
  - (a) To instruct an appropriately qualified contractor to identify the source of the water ingress within the kitchen and to carry out such works as may be identified within said report to eradicate the water ingress and repair the damage caused by the water ingress to ensure that the structure of the house is in a reasonable state of repair and in proper working order.
  - (b) To carry out an investigative fibre optic camera survey of the soil pipe located in the kitchen and to carry out such works as may be identified by said survey to ensure that the pipe is in a reasonable state of repair and in proper working order.
  - (c) To install a carbon monoxide alarm compliant with current regulations.
3. The Tribunal ordered that the works specified in the RSEO were to be carried out within 12 weeks of the date of service of the Notice, that is, 15 November 2017.
4. After further sundry procedure and further inspections of the property being carried out by the Ordinary Member (Surveyor) of the tribunal, the Landlord requested and was granted a further inspection and hearing, both of which took place on 3 August 2018 at 10 am and 11.30 respectively. The Landlord did not attend either the inspection or the hearing but was represented at both by Mr Chris Hogg, employee of the Landlord's agent. Mr Hogg confirmed that all works had been completed in terms of the RSEO and referred to paperwork which the Landlord had previously provided to the tribunal to that effect. At the inspection, the tribunal noted that all of the works required by the RSEO had been completed. There was some residual dampness but this was drying out and showing far lower readings than at the previous inspections. The tribunal was of the opinion that the property was in a reasonable state of repair. All matters which had been outstanding in terms of the RSEO had been completed. The Ordinary Member prepared a schedule of photographs of the inspection on 3 August 2018 which is attached to this decision.
5. Given all of the circumstances, the tribunal found that all of the works in the RSEO had taken place.
6. 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 Tribunal was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

**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  
3 August 2018 Date



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

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**Re-inspection Report &  
Photograph Schedule**

**Flat 0/2, 16 Clifford Street, Glasgow, G51 1NT**

**Case Reference:** FTS/HPC/RP/17/0234

**Surveyor:** Nick Allan

**Date of inspection:** 03/08/2018

**Time of inspection:** 10.00 am

**Weather conditions:** Damp and overcast

**Present:** Mrs Patricia Anne Pryce – Legal Member  
Mr Nick Allan – Ordinary Member  
Mr Chris Hogg – Managing Agent



**Photo 1 – Front elevation**



### Observations arising from re-inspection

- Dampness levels on the wall section between the boiler and the cooker hood have continued to drop significantly, and are now no longer considered to be at a level to constitute a risk to the property, or any future occupier of the property. Photograph 2 below shows the section of wall in question;
- Similarly, much improved damp meter readings were obtained from the section of wall above and below the right-hand side of the cooker hood. Photographs 3 + 4 below refer;



**Photo 2 – Reduced damp readings on wall      Photo 3 – Below cooker hood**



**Photo 4 – Reduced damp in wall      Photo 5 – Damp free above fridge unit**

Nick Allan – Ordinary Member

First-tier Tribunal

Housing and Property Chamber – 3rd August 2018