

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



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

Certificate of Completion of Work under Section 60 (5) (b) of the Housing (Scotland) Act 2006

prhp ref: RP/15/0306

Re 12 Robertson Crescent, Saltcoats, KA21 5JD being the subjects registered in the Land Register of Scotland under title number AYR 97046 ('the Property')

The Parties:-

Mrs Lorraine Campbell residing at the Property ("The Tenant")

Mr James Alan Hynd and Mrs Kaye Janette Hynd residing at 28 St Andrews Road, Ardrossan, KA22 7EN ("The Landlords")Certificate of Completion

The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 26th April 2016 has been completed. Accordingly the said Repairing Standard Enforcement is 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.

These presents signed at Kilwinning on 30th March 2017 by Martin J. McAllister, Solicitor, Legal Member of the Housing and Property Chamber of the First-tier Tribunal for Scotland before Kayleigh Guthrie, 83 Main Street, Kilwinning KA13 6AN.

K. Still

M. J. McAllister

Housing and Property Chamber First-tier Tribunal for Scotland



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

Determination: Statement relative to Certificate of Completion of work issued under Section 60 of the Housing (Scotland) Act 2006 (the 2006 Act).

prhp ref: RP/15/0306

Re 12 Robertson Crescent, Saltcoats, KA21 5JD being the subjects registered in the Land Register of Scotland under title number AYR 97046 ('the Property')

The Parties:-

Mrs Lorraine Campbell residing at the Property ("The Tenant")

Mr James Alan Hynd and Mrs Kaye Janette Hynd residing at 28 St Andrews Road, Ardrossan, KA22 7EN ("The Landlords")

Members of the tribunal: Martin J. McAllister, solicitor, legal member and Kingsley Bruce, surveyor, ordinary member.

Decision:

The tribunal determined that a certificate of completion be issued in terms of Section 60 of the Act

Background:

1. On 9th February 2016 a private rented housing committee made a repairing standard enforcement order (RSEO) in respect of the House. The members of the committee were Martin J. McAllister, solicitor, Chairman and George Campbell, surveyor.
2. The tenancy of the House has been lawfully terminated.
3. On 1st December 2016 the Housing and Property Chamber assumed responsibility for the application. The members of the tribunal dealing with the application are Martin J. McAllister, solicitor, legal member and Kingsley Bruce, surveyor, ordinary member.
4. The RSEO was in the following terms:

(One) The Landlords must ensure that the Property is wind and watertight and eradicate the high levels of dampness throughout the Property.

(Section 13(1) (a) of the Act).

(Two) The Landlords must eradicate the penetrating dampness in the bathroom ceiling.

(Section 13 (1) (a) of the Act).

(Three) The Landlords must repair or replace the badly fitting PVC double glazed windows in the living room, upper front bedroom and bathroom.

(Section 13(1) (a) of the Act).

(Four) The Landlords must repair the patio paving

(Section 13(1) (b) of the Act).

(Five) The Landlords must install an interlinked heat detector in the Property to comply with the revised Domestic Technical Handbook Guidance in force from 1st October 2015.

In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, the committee determined that the repairing standard enforcement order required to be completed within a period of three months from its service on the Landlords.

5. Numerous variations of the repairing standard enforcement order were made to allow the Landlord more time to carry out the work.
6. On 14th March 2017 the ordinary member of the tribunal inspected the House and a copy of his report with relevant photographs is attached.
7. The report discloses that all works required by the RSEO have been completed.
8. The tribunal noted that the tenancy had been lawfully terminated and, in view of the fact that the requirements of the RSEO had been complied with, considered there to be no reason to send a copy of the inspection report to the Landlord for comment. It is in the interest of the Landlord that the repairing standard order be discharged as soon as practicable.
9. The tribunal considered matters, determined that it was satisfied that the work had been completed and that it was appropriate to issue the Certificate of Completion in terms of Section 60 of the 2006 Act.

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.



Martin J. McAllister, Solicitor,
Legal Member of the Housing and
Property Chamber of the First-tier
Tribunal for Scotland.
30th March 2017

HPC Re-inspection Report



Property: 12 Robertson Crescent, Saltcoats, KA21 5JD
Ref No: PRHP/RP/15/0306

Surveyor: Kingsley K Bruce, MRICS

Access:

I undertook further re-inspection of the property at 09:30 on 14 March 2017

The interior of the house was inspected visually, whilst standing at floor level within the various rooms, the exterior, whilst standing at ground level in the garden or on the street adjacent.

In Attendance:

My inspection was accompanied, by the Landlord, James Hynd, who was present in the property throughout my inspection, the tenant Mrs Lorraine Campbell, who lodged the application had vacated the property.

The property was unoccupied and unfurnished.

Weather:

Conditions were generally overcast and showery at the time of my re-inspection.

Requirements of the Repairing Standard Enforcement Order (RSEO):

The RSEO dated February 2016 required the landlord, as follows:

***“(One) The Landlords must ensure that the Property is wind and watertight and eradicate the high levels of dampness throughout the Property.
(Section 13(1) (a) of the Act).***

***(Two) The Landlords must eradicate the penetrating dampness in the bathroom ceiling.
(Section 13 (1) (a) of the Act).***

***(Three) The Landlords must repair or replace the badly fitting PVC double glazed windows in the living room, upper front bedroom and bathroom.
(Section 13(1) (a) of the Act).***

***(Four) The Landlords must repair the patio paving
(Section 13(1) (b) of the Act).***

(Five) The Landlords must install an interlinked heat detector in the Property to comply with the revised Domestic Technical Handbook Guidance in force from 1st October 2015.

In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, the committee determined that the repairing standard enforcement order requires to be completed within a period of three months from its service on the Landlords."

Works required by the RSEO which have been undertaken:

A visual inspection of the property was undertaken, looking specifically at the items/areas which were subject of the application and the RSEO, as served on the Landlord.

At the time of my an earlier reinspection in August 2016 it had been acknowledged by both Landlords and Tenant at the start of the re-inspection, that none of the works required in terms of the RSEO had been undertaken.

It was further observed during the course of the re-inspection that evidence of severe condensation appeared to be contributing to high levels of "dampness" within the bathroom, due to inadequate ventilation. The window had been sealed shut, effectively creating an unventilated space. An extract fan had been installed, however this was noted to be discharging internally to the adjacent kitchen. This installation could not be considered acceptable, but unsanitary, non-compliant and would fail to meet the Tolerable Standard defined in terms of The Housing (Scotland) Act 2006.

Subsequently, a second re-inspection of the property was undertaken on 11 January 2017, at which time it was noted that it was evident that works had been undertaken in compliance with the RSEO as follows:

- Repairs had been undertaken to the gable in bedrooms and livingroom, including re-lining external walls and replastering, albeit decoration was incomplete. Indications of dampness had largely been eradicated, however despite the works undertaken, at ceiling level in both bedrooms indications of localised damp were found adjacent to a chimney, suggestive that there may be further damp or rainwater ingress, which would warrant further investigation.
- The bathroom has been lined in "wetwall" or similar and the extract fan refitted on the external gable wall to discharge to the outside of the house. The previous issue appears adequately addressed.
- Windows to the upper floor bedroom were operable, however topical or proprietary compressible foam tape had been applied around opening casements to try to fulfil the function of the original fixed neoprene or rubber type seals, gaps were still evident and adjustment required and more permanent or satisfactory seals would be required.
- Patio paving had been reinstated and was adequately secure.

At the re-inspection on 14 March 2017, both bedrooms were again examined and included a head and shoulder inspection of the roof void, whilst standing on a ladder at the roof hatch on the landing. Following the previous inspection, the Landlord advised that the specialist contractor who had undertaken works to eradicate damp issues had re-attended and examined the areas, where work was undertaken, determining that water ingress was not ongoing, that the indications of dampness

found using an electronic moisture meter were the effects of drying out and that no further action was required.

Based on the further inspection and within the limits of the roof void inspection, there were no immediate indications of ongoing water ingress apparent within the roof void. From external inspection undertaken from ground level to front and rear, no significant defect could be seen which would give rise to water ingress.

When examined internally, readings taken with an electronic moisture meter were indicative of the presence of high levels of moisture to plaster work along the ceiling adjacent to the gable wall, however the area where such readings were evident previously had reduced compared to previous inspections. In the absence of evidence of visible defect or signs of ongoing water ingress it could not therefore be determined that there was evidence of ongoing damp or water ingress.

**Kingsley K Bruce, MRICS
Ordinary Member,
The First-tier Tribunal for Scotland (Housing and Property Chamber)**

20 March 2017

Photographs taken during re-inspection 14 March 2017





