

# Housing and Property Chamber First-tier Tribunal for Scotland

---



**Determination of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/18/0037**

**Property Description: 9 Bull Road, Glasgow G76 8EF being the subjects registered in the Land Register under title number REN97743 ("House")**

**The Parties:-**

**Mr Rupesh Muramalla, residing at the House ("Tenant")**

**Ms Kirstien Simons or King, residing at 43 Fenella Crescent, Craigie, Western Australia, 6025 (represented by her agent Your Move, 7 The Toll, Clarkston, Glasgow G76 7BG) ("Landlord")**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Joan Devine (Legal Member); Greig Adams (Ordinary Member)**

## **Background**

1. The Tribunal issued a decision on 3 May 2018 requiring the Landlord to comply with the Repairing Standard Enforcement Order ("RSEO") relative to the House issued by the Tribunal on the same date. The RSEO required the Landlord to:
  - (i) repair or replace the render on the exterior of the House as required to leave the render free from cracks and boss areas and ensure that the House is left in a wind and watertight condition with the render in a reasonable state of repair;
  - (ii) repair or replace all gutters and downpipes serving the House to leave the House wind and watertight and in a reasonable state of repair; and
  - (iii) appoint a suitably qualified damp specialist to report on the areas of dampness in the hall, bedroom and kitchen of the House and undertake all remedial works recommended, including all necessary redecoration.

The Tribunal ordered that the works specified in this order must be carried out and completed within the period of 10 weeks from the date of service of the RSEO.

2. The Landlord sought further time to complete the works set out in the RSEO. The Tribunal varied the RSEO by decision dated 30 August 2018 and extended the period for completion of the works to 31 October 2018.
3. A re-inspection was carried out on 7 March 2019. The inspection extended to a survey of the specified works detailed within the RSEO. A copy of the re-inspection report is annexed hereto. The report narrates that high moisture readings were present in the House and there was visual discolouration due to dampness was evident in part.

### Decision

4. The Tribunal unanimously determined that the Landlord had failed to comply with the RSEO within the period of time for completion of the works set out in the RSEO.

### Right of Appeal

5. **A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

J Devine

.....  
Signed   
Joan Devine, Legal Member

.....  
Date 10 July 2019

Glasgow 9 July 2019  
This is the reinspection  
report referred to in  
the foreclosing determination  
J Devine

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



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

**Re-Inspection Report**

**Chamber Ref: FTS/HPC/RP/18/0037**



**Property: 9 Bull Road, Glasgow, G76 8EF being the subjects registered in the Land register under title number REN97743 ('The House')**

**The Parties:-**

**Mr Rupesh Muramalla, residing at the House ("the former Tenant")**

**Ms Kirstien Simons or King, residing at 43 Fenella Crescent, Craigie, Western Australia, 6025 (represented by her agent Your Move, 7 The Toll, Clarkston, Glasgow, G76 7BG) ('the Landlord')**

**The Tribunal consisted of:-**

**Joan Devine, Chairing and Legal Member  
Greig Adams, Ordinary Member (surveyor)**

**Background:** The Tribunal issued a Decision on 2 May 2018 requiring the Landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property. The RSEO required completion of the works specified within the order within a period of 10 weeks from the date of service of the notice. The former Tenant is not an active party and is no longer in occupation. A previous inspection was undertaken on Monday 30 July 2018, following which an application for an extension of time to



complete the works was received. A Variation to the RSEO was served extending the period allowed for completion of the works to 31 October 2018.

**Access:** The re-inspection was undertaken on Thursday 7 March 2019 at 11.30am by Mr Adams, Ordinary Member of the Tribunal. The inspection extended to a survey of the specified works detailed within the RSEO. Mr Adams was accompanied throughout the inspection by the Landlord's mother.

**Purpose of Re-inspection:** The purpose of the re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order has been completed.

**Works required under the Repairing Standard Enforcement Order (RSEO):** The RSEO required the Landlord:

- (i) repair or replace the render on the exterior of the House as required to leave the render free from cracks and boss areas and ensure that the house is left in a wind and watertight condition with the render in a reasonable state of repair;
- (ii) repair or replace all gutters and downpipes serving the House to leave the House wind and watertight and in reasonable state of repair; and
- (iii) appoint a suitably qualified damp specialist to report on the areas of dampness in the hall, bedroom and kitchen of the House and undertake all remedial works recommended, including all necessary redecoration.

The Tribunal ordered that the works specified in the Order must be carried out (following Variation of the RSEO) by 31 October 2018.

#### **The re-inspection found:**

1. Attempts at patch repairs of cracks evidenced to render had been progressed in conjunction with repair around the first floor windows and mullion details. Cracking remained noticeable over the Gable Elevation such as immediately above the pedestrian entrance door. Sections of boss render remained evident under an acoustic tap test.
2. Black PVC replacement gutters had been provided to the common parts.
3. It was evident that various plastering works had been progressed such as within the Hall and at low level to the Bedroom. However, high moisture meter readings were obtained above the pedestrian entrance door within the Hall with visual discolouration due to dampness evident in part. Elevated moisture meter readings were also identified within the Bedroom at low levels to the external walls.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will



determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

G Adams

Greig Adams BSc (Hons) FRICS C. Build E FCABE LETAPAEWE  
Surveyor Member  
**First-tier Tribunal for Scotland (Housing and Property Chamber)**



Appendix A – Photographic Record



1



2



3



4



5



6



7



8



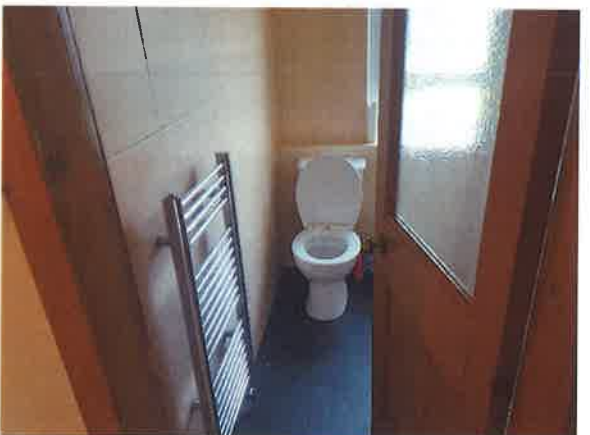
9



10



11



12



13



14



15



16



17



18



19



20



21



22





23



24



25



26



27



28



29



30



31



32



33



34



35



36



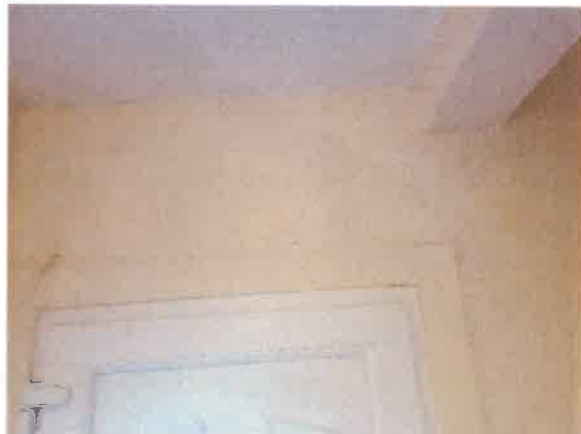
37



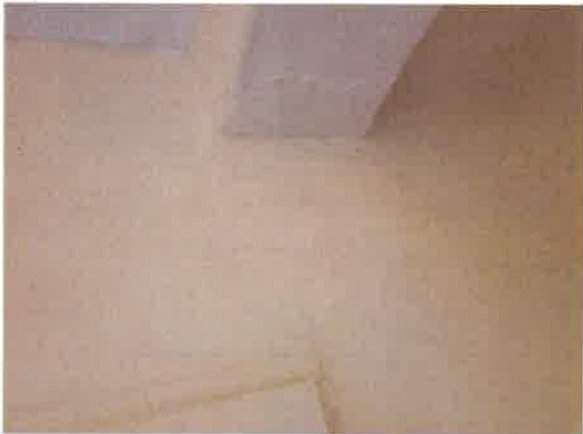
38



39



40



41



42



43



44



45



46



47



48



49



50