

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

Property: 308/3 Portobello High Street, Edinburgh EH15 2DA (“the Property”/ “the house”)

Title Number: MID3611

Chamber Reference: FTS/HPC/RP/18/1785

M/s Fleur Scheltdorf, sometime 308/3 Portobello High Street, Edinburgh EWH15 2DA (“the Tenant”)

Mrs Tivender Singh, 25 Wakefield Avenue, Edinburgh EH7 6TN (“the Landlord”)

Tribunal Members - George Clark (Legal Member/Chairperson) and Sara Hesp (Ordinary Member/Surveyor)

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 made on 8 October 2018, as varied by Variation dated 3 April 2019 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

Right of Appeal

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 typewritten on this and the preceding page are executed by George Barrie Clark, solicitor, Lasswade, Legal Member/Chair of the tribunal at Lasswade, Midlothian on 28 November 2019 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

G Clark

V Clark

_____ Legal Member/Chair

_____ witness

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 60 of the Housing (Scotland) Act 2006

Property: 308/3 Portobello High Street, Edinburgh EH15 2DA (“the Property”/ “the house”)

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Tribunal Members – George Clark (Legal Member/Chairperson) and Sara Hesp (Ordinary Member/Surveyor)

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 has complied with the terms of a Repairing Standard Enforcement Order made on 8 October 2018, as varied by Variation on 3 April 2019, determined that the work required by the Order has been completed and that a Certificate of Completion should be issued in terms of Section 60 of the Housing (Scotland) Act 2006.

Background

On 8 October 2018, the Tribunal made a Repairing Standard Enforcement Order (“the Order”) in respect of the Property. The Order required the Landlord, within six weeks of the date of service of the Order:

- (1) to exhibit to the Tribunal a current Electrical Installation Condition Report in respect of the Property, to include confirmation that all the appliances in the kitchen have been tested and can be safely used;
- (2) to replace the floorcovering in the kitchen, after carrying out any repairs to the floor beneath that are necessary to ensure it is in a reasonable state of repair;

(3) to carry out such investigations to the roof as are required to detect the likely cause of damp penetration to the bedroom and to the living area immediately adjacent to the kitchen of the Property and thereafter carry out such remedial works as are necessary to make the Property wind and water tight;

(4) to carry out such repairs to the glass-panelled door to the living area of the Property as are required to ensure it is in proper working order and opens and closes properly; and

(5) to ensure that the provision of smoke and heat detectors meets the requirements of the Scottish Government's Building Standard Division Revised Domestic Technical Handbook 2013, so that, as a minimum, an additional smoke detector in the hallway should be installed interlinked with existing smoke and heat detectors.

On 11 January 2019, the Ordinary Member of the Tribunal reinspected the Property and reported that items (2) and (5) of the Order had been complied with, but, whilst an Electrical Installation Condition Report had been exhibited by the Landlord, it was not clear whether it had been provided by a suitably competent contractor and there was no confirmation that the appliances in the kitchen had been tested and could be safely used. The floorcovering in the kitchen had been replaced. Damp meter readings taken in the living room and bedroom in areas which, at the time of the initial inspection on 8 October 2018, had been identified as being damp, had been found to be high, suggesting that any roof work that had been carried out subsequent to the making of the Order had not eradicated the issues found at the initial inspection. The door to the living room now opened and closed properly, but there was a gap at the top of the door which amounted to 1.5cms. New smoke detectors had been installed in the hall and living room, together with a replacement heat detector in the kitchen, in accordance with the Domestic Technical Handbook (revised 2016) as issued by the Scottish Government.

On 3 April 2019, the Tribunal held a hearing at George House, 126 George Street, Edinburgh EH2 4HH, at which it accepted that Items (2) and (5) of the works required by the Order had been complied with. The Tribunal varied the Order to read:

(1) to exhibit to the Tribunal a satisfactory current Electrical Installation Condition Report, issued by an electrical contractor who is registered either with NICEIC, SELECT or NAPIT and containing no C1 or C2 items of disrepair and including all fixed appliances in the Property provided by the Landlord, together with satisfactory evidence of PAT testing by a suitably qualified electrical contractor of all portable appliances in the Property provided by the Landlord..

(2) to carry out such investigations to the roof as are required to detect the likely cause of damp penetration to the bedroom and to the living area

immediately adjacent to the kitchen of the Property and thereafter carry out such remedial works as are necessary to make the Property wind and water tight; and

(3) to carry out such repairs to the glass-panelled door to the living area of the Property as are required to ensure there is no gap between the door and the door frame which would admit draughts.

The Tribunal ordered that the works required by the Order must be carried out within the period of 3 months from the date of intimation to the Parties of the Variation.

On 30 May 2019, the Landlord provided the Tribunal with a copy of an Electrical Installation Condition Report in respect of the Property dated 10 May 2019 and issued by Cablecom Electrical Ltd, Edinburgh, registered with SELECT. It contained no C1 or C2 items of disrepair and the overall assessment was that the installation was satisfactory. The Landlord also provided the Tribunal with a satisfactory Portable Appliance Test report, also dated 10 May 2019, carried out by the same contractor, in respect of the washing machine and refrigerator.

The Ordinary Member of the Tribunal inspected the Property again on 25 July 2019 and reported that the glass panelled door in the living area of the Property had been replaced with a timber panelled door which was in proper working order and which opened and closed properly. The Landlord had replaced and painted some of the plasterboard facings to the internal walls of the living room and bedroom and, on the day of the inspection, when she tested those surfaces with a damp meter, there were no unusually high readings. There was no apparent evidence of damp to the internal walls of the living room and bedroom, but the work had only recently been completed and the weather was unusually warm.

On 5 September 2019, the Landlord advised the Tribunal that the roof outside the Property had been repaired and, on 6 November 2019, she provided the Tribunal with an e-mail dated 5 November 2019 from Richardson & Starling, Edinburgh, specialists in penetrating and rising damp. The specialists confirmed that, using an electronic moisture meter and instrumental analysis, they had been unable to record any readings which would suggest the presence of penetrating damp. The wall areas around the windows showed evidence of condensation and slight mould growth and they recommended proper heating and ventilation to reduce the moisture available for evaporation into the air from condensing on the wall surfaces. At the time of their inspection, the Property was empty, and the heating was switched off.

On 8 October 2019, the Tenant confirmed to the Tribunal that she had vacated the Property. Accordingly, since that date, she has no longer been a Party to the proceedings.

The Tribunal reinspected the Property on the morning of 28 November 2019. The weather was dry, after a prolonged wet spell. The Tribunal members

were admitted to the Property by the Landlord's daughter. The Property was found to be vacant.

The Ordinary Member of the Tribunal tested the wall surfaces of the living room and bedroom with a damp meter and found no unusually high readings. A file of photographs taken at the inspection is attached to and forms part of this Statement of Decision.

Following the inspection, the Tribunal held a Hearing at Riverside House, Gorgie Road, Edinburgh. The Landlord was not present or represented and the Tenant, having vacated the Property, was no longer a Party to the proceedings, so was not present or represented.

Reasons for the decision

The Tribunal was satisfied that the work required in terms of the Repairing Standard Enforcement Order, as varied, had been carried out and determined that a Certificate of Completion of Works should be issued. The Decision of the Tribunal was unanimous.

Right of Appeal

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.

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G Clark

Signed.....

Date: 28 November 2019

..... Legal Member/Chairperson

This is the Schedule of Photographs
referred to in the finding Statement
of Decisions
28/11/19 G Clark
Lynze Clark

Housing and Property Chamber First-tier Tribunal for Scotland



FTS/HPC/RP/18/1785
Schedule of photographs taken during inspection of
308/3 Portobello High Street, Edinburgh EH15 2DA
On 28 November 2019 at 10 am

Photograph 1:

External front elevation



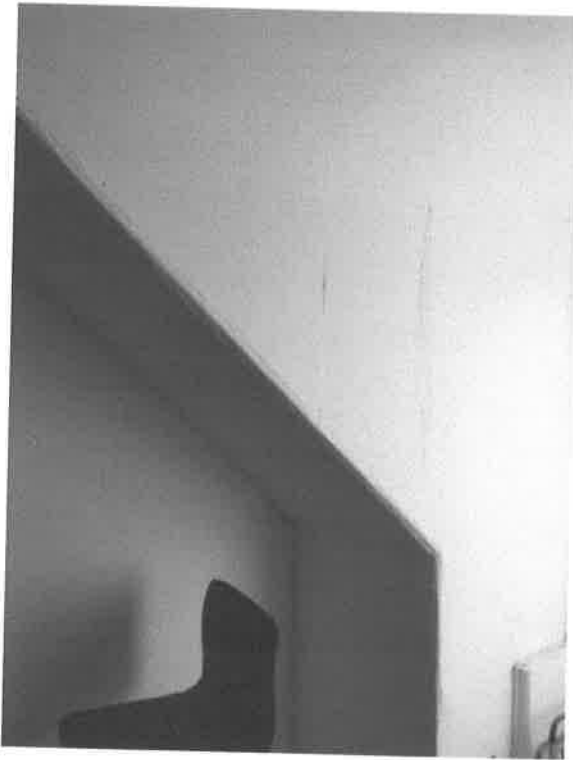
FTS/HPC/RP/18/1785

Photographs 2 and 3: Bedroom



Photographs 4: Bedroom

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Photograph 5: Living room



FTS/HPC/RP/18/1785

Photographs 6 and 7: Living room



FTS/HPC/RP/18/1785