

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/18/3495

Title no: DMB74837

28 Craigton Avenue, Milngavie, Glasgow, G62 7SX being the subjects registered in the Land Register of Scotland under Title Number DMB74837 ('The Property')

#### The Parties:-

Alistair Goold and Liza Goold residing together at British International School of Jeddah, Teacher Compound, Al Muhammiditah District, Jeddah, 21442, Saudi Arabia and sometime residing at 62 Causeyside Street, Paisley, PA1 1YW ('the Landlords').

Caitlin Munro residing at 28 Craigton Avenue, Milngavie, Glasgow, G62 7SX ('the Tenant').

Raymond Heath, East Dunbartonshire CAB, 11 Alexandra Street, Kirkintilloch, G66 1HB ('the Tenant's Representative').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Andrew McFarlane (Ordinary Member).

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property dated 13<sup>th</sup> March 2019 which required the Landlord to:-

1. *Repair the dampness in the Property to render the Property water tight and in particular carryout repairs necessary to supply and install the following (where not already undertaken) and provide confirmation from a specialist that work has been completed:-*

1.1 *To Kitchen and Bathroom; in external wall SA25 SELV Data 4" fan, trickle and boost 25l, pull cord boost, humidity boost and 5 week data logging facility or equal. Locate intelligent remote sensor between moisture source and door leading out of room.*

1.2 To Main Bedroom; in external wall 100mm wall mounted passive ventilator PV100 or equal.

1.3 To areas affected by mould growth; apply 2 coats of sterilising solution and finish with 2 coats of anti-mould paint extending 500mm beyond affected area.

1.4 Strip and replace window surrounds affected by mould growth.

1.5 Strip and replace sealants around windows with mould resistant sealant to areas affected by mould growth.

1.6 Strip and replace bath sealant with mould resistant sealant to areas affected by mould growth.

2. Overhaul all opening sashes to windows to ensure neoprene sealing gaskets between sash and frame are intact and secured in place sufficient to ensure they seal properly without either requiring to be held in place or adjusted following closure.

3. Overhaul latch locks of the internal doors to ensure when door is closed the door leaf is secured against the facings. (If latch locks cannot be overhauled fit another form of restraint such as a ball catch.)

4. Repair or replace kitchen sink base unit to ensure there is an intact, properly supported base, intermediate shelf and back panel. Properly form holes for the passage of water supply and drainage pipes and seal around as required. Repair or replace the kitchen drawer unit and kitchen wall unit to render it in proper working order.

5. Exhibit a compliant Electrical Installation Condition Report (EICR) by a suitably qualified and registered electrician to cover modifications to electrical system carried out since EICR issued. (New Consumer Control Unit and new extract fans).

6. Exhibit a valid current and compliant Gas Safety Certificate for the Property by a suitably qualified Gas Safe registered engineer to address the state of repair and working order of all gas appliances and installations in the Property.

7. Fill holes around socket outlet on Kitchen wall to secure compliance with regulations relating to electrical installations.

8. *Fill the hole in the external wall of the bathroom below the window sill.*
9. *Fill the hole in the plaster in the smaller front bedroom.*
10. *Repair or replace the missing section of skirting between the doors to the Kitchen and third Bedroom.*
11. *Secure or replace light switch for Bathroom light located in Hall.*
12. *Secure or replace ceiling mounted light fitting in Kitchen.*

2. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 30<sup>th</sup> April 2019.

3. On 28<sup>th</sup> May 2019 Mr McFarlane, the Ordinary member of the Tribunal, carried out a reinspection for the purpose of ascertaining whether the outstanding repairs required by the RSEO had been completed. The reinspection report dated 28<sup>th</sup> May 2019 and relative photographs taken at the reinspection were sent to the parties.

The Landlord indicated that he did not agree with the reinspection report as further works had been carried out to the Property. The Tenant indicated that she wished the Tribunal to grant a rent relief order. Accordingly a fresh inspection and hearing were scheduled for 27<sup>th</sup> August 2019.

4. The Tribunal reinspected the Property on 27<sup>th</sup> August 2019 and held a hearing following that reinspection. Their Decision dated 11<sup>th</sup> September 2019 determined as follows:

First, Items 1.1, 1.2, 1.3, 1.4 (main bedroom only) 1.5, 1.6, 2, 3, 4 (in relation to the requirement to *repair or replace kitchen sink base unit to ensure there is an intact, properly supported base, intermediate shelf and back panel. Properly form holes for the passage of water supply and drainage pipes and seal around as required. Repair or replace the kitchen drawer unit*), 5, 6, 7, 9, 10, 11 and 12 of the RSEO are revoked as they had been satisfactorily completed.

Second, the date for completion of the works required in terms of Items 1.4 (second bedroom); 4 (in relation to the requirement to repair or replace the kitchen wall unit to render it in proper working order) and 8 of the RSEO was varied to 15<sup>th</sup> November 2019.

5. On 6<sup>th</sup> January 2020 the Ordinary member of the Tribunal inspected the Property and determined that the outstanding works required by the RSEO (as varied) had been completed. The reinspection report is annexed and executed as relative hereto.

## **6. Decision**

The Tribunal being satisfied that the terms of the RSEO had been satisfactorily completed determined to certify that the terms of the RSEO had been completed.

7. The decision of the Tribunal was unanimous.

## **8. Appeals**

**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.**

J Taylor

**Signed.....  
Chairperson**

.....Date 12th February 2020

# Housing and Property Chamber First-tier Tribunal for Scotland



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

**Re-inspection Report**

J Taylor

12/2/20

**Chamber Ref: FTS/HPC/RP/18/3495**

**Property: 28 Craighton Avenue, Milngavie, G62 7SX**

The Property was re-inspected on 6 January 2020 at 14.00 during a period of wet and windy weather. The Property was occupied by the Tenant Caitlin Munro and family at the time of the re-inspection.

The re-inspection was conducted by Andrew McFarlane Ordinary Member and attended by Gemma Waters of Cairn Letting (Landlord's Agents). A Tribunal Venue Assistant was also present.



A Repairing Standard Enforcement Order was previously issued and subsequently varied requiring the landlord to :-

1.4 Strip and replace window surrounds to second bedroom affected by mould growth.

4. Repair or replace kitchen wall unit to render it in proper working order.

8. Fill the hole in the external wall of the bathroom below the window sill.

A period was given to complete the works. This expired on 15 November 2019.

As a result of the re-inspection the following was found:-

- a. The window surrounds in the second bedroom have been stripped and replaced..
- b. The affected Kitchen wall units have been replaced.
- c. The hole in the external wall of the bathroom below the window sill has been filled.

This report comprises this page, the preceding pages and photographs.

**Andrew McFarlane FRICS**  
**Ordinary Member**  
**6 January 2020**



1. New window surrounds in second bedroom.



2. New window surrounds in second bedroom.



3. Replaced Kitchen wall units



4. Filled hole in external wall to the Bathroom