



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

Reference number: FTS/HPC/RP/19/2530

Re: Property at Flat 0/2, 218 Allison Street, Glasgow G42 8RS ("House")

The Parties:

Alina Munteanu, Flat 0/2, 218 Allison Street, Glasgow G42 8RS ("Tenant")

Govanhill Law Centre, Samaritan House, 79 Coplaw Street, Glasgow G42 7JG ("Tenant's Representative")

Robina Hussain otherwise known as Robina Rasul, Haji Public Secretariat, Mandi Bahauddin, Punjab, Pakistan ("Landlord")

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

Background

The Tribunal issued a decision on 13 November 2019 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:

1. repair the hole in the masonry at the rear wall of the back bedroom of the House to ensure the House is wind and watertight;
2. repair or replace the leaking plastic condensate pipe serving the boiler in the rear bedroom of the House and ensure it is in a reasonable state of repair and in proper working order;
3. repair or replace the mortice lock on the front door to ensure it is in a reasonable standard of repair and in proper working order;
4. make good the damage caused in the living room by the removal of wall lights and redecorate affected areas;
5. instruct a suitably qualified contractor to inspect and report on the concealed ventilation system in the kitchen and undertake any work necessary to bring it up to a standard compliant with current regulations; and
6. obtain an Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT registered electrician in respect of the House specifically to include the areas where the previously identified "loose hanging wall light fittings" have been removed and also the electrical ventilator in the kitchen. Any

work which is identified in said report to be of Category C1 or C2 should be repaired to the satisfaction of the reporting registered electrician.

The Tribunal ordered that the works specified were to be carried out and completed within the period of 5 weeks from the date of service of the RSEO.

A re-inspection was carried out on 13 January 2020. 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 item numbers 1, 3, 5 and 6 detailed in the RSEO remain outstanding.

Decision

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

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

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Joan Devine, Legal Member

7 February 2020

Date

Glasgow 4 February 2020
This is the re-inspection report
referred to in the foregoing
Determination.

J Devine

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



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



Property Flat 0/2, 218 Allison Street, Glasgow

Ref No: FTS/HPC/RP/19/2530

Surveyor: Donald Wooley MRICS

Previous inspection

The subject property was previously inspected on 5th November 2019 by the First-tier Tribunal for Scotland (Housing Property Chamber). Following a subsequent hearing a Repairing Standard Enforcement Order (RSEO) was issued on 13th November 2019

Access:

A re-inspection of the subject property was arranged for 13th January 2020 at 10.00pm. I arrived at the property shortly before the appointed time and was accompanied by Eilidh Macmillan of the Housing and Property Chamber.

Access to the property was provided by the tenant, Ms Alina Munteanu, who was present throughout the re-inspection. No other parties were present or represented

during the re-inspection. Weather conditions at the time of the inspection were dull and overcast. Both Eilidh Macmillan and I left the property at 10.20 am.

Purpose of re-inspection

The purpose of this re-inspection was to determine if the required works as detailed under the Repairing Standard Enforcement Order had been completed.

Work required under the Repairing Standard Enforcement Order (RSEO):

The following works were required to be completed by the landlord in accordance with the Repairing Standard Enforcement Order:

1. **repair the hole in the masonry at the rear wall of the back bedroom of the House to ensure the House is wind and watertight;**
2. **repair or replace the leaking plastic condensate pipe serving the boiler in the rear bedroom of the House and ensure it is in a reasonable state of repair and in proper working order;**
3. **repair or replace the mortice lock on the front door to ensure it is in a reasonable standard of repair and in proper working order;**
4. **make good the damage caused in the living room by the removal of wall lights and redecorate affected areas;**
5. **instruct a suitably qualified contractor to inspect and report on the concealed ventilation system in the kitchen and undertake any work necessary to bring it up to a standard compliant with current regulations; and**
6. **obtain an Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT registered electrician in respect of the House specifically to include the areas where the previously identified “loose hanging wall light fittings” have been removed and also the electrical ventilator in the kitchen. Any work which is identified in said report to be of Category C1 or C2 should be repaired to the satisfaction of the reporting registered electrician.**

Site Observations:

The hole in the masonry at the rear wall remains and no remedial work appears to have been completed internally or externally.



Rear Wall 5 November 2019



Rear Wall 13 January 2020



Hole in rear wall of bedroom **5 Nov 2019** Hole in rear wall of bedroom **13 Jan 2020**

The previously sagging and poorly supported condensate pipe serving the boiler is now better supported with no visible leak around the joint. The tenant said that she had completed the repair. The floor immediately below this area which was previously wet is now dry.



Sagging pipe **5 Nov 2019**



Repaired condensate pipe **13 Jan 2020**



Saturated floor **5 Nov 2019**



No discernable damp **13 January 2020**

The mortice lock at the front entry door has been neither replaced nor repaired.

The residual damage to the wall plaster in the living room following the removal of former wall lights remains visible although some repair appears to have been completed and the affected areas redecorated. I was informed that this had been completed by the tenant.



Damaged and poorly repaired wall plaster in living room **5 November 2019**



Living room wall plaster following redecoration **13 January 2020**

No report in relation to the concealed ventilation system in the kitchen has been provided and the tenant was unaware of any such report or inspection having been undertaken or commissioned by the landlord. With the exception of the boiler flue, there is still no visible ventilation from the kitchen on the rear wall.



Lack of ventilation rear wall **5 Nov 2019** Lack of ventilation rear wall **13 Jan 2020**

No Electrical Installation Condition Report (EICR) was exhibited and the tenant reaffirmed that she was unaware of ever having received such a report. In particular she was unaware of any such report having been commissioned since the original inspection and subsequent hearing by the Tribunal.

Outstanding Repairs:

Since the original inspection I can confirm that a number of repairs, as noted under "Site Observations" have been completed. I was informed during the re-inspection that these issues had been addressed by the tenant or her representative.

I can however confirm that item numbers 1, 3, 5 and 6 as detailed in the original Repairing Standard Enforcement Order (RSEO) dated 13 November 2019 remain outstanding.

Comments:

This report will be passed to the parties for comment before being submitted to the First-tier Tribunal for Scotland (Housing Property Chamber) for their decision.

Donald Wooley MRICS
Ordinary Member
First-Tier Tribunal for Scotland
13 January 2020