

Housing and Property Chamber
First-tier Tribunal for Scotland



**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Chamber Ref: FTS/HPC/RP/18/0231

Flat 1/02, 59 High Street, Lochwinnoch, PA12 4AB

("the property")

THE PROPERTY:

46, Fort Street, Ayr KA7 1DE being All and Whole: (I) 2 storey house at 46 Fort Street, Ayr, part of the subjects referred to in Disposition in favour of William Auld, recorded in the Division of the General Register of Sasines applicable to the County of Ayr on 12 November 1902 and (II) offices at 48 Fort Street, Ayr, referred to in Disposition in favour of Ayr Tyre Factors Limited, recorded in the said Division of the General register of Sasines on 4 January 1962.

THE PARTIES:-

Mr Douglas Swan, residing at 46 Fort Street, AyrKA7 1DE

("the tenant")

and

Mrs Sally Ward, Ward Properties, Allestree Mews, Southwood, Troon KA10 7EL, per her agent Mr Colin Duck, Solicitor, The McKinstry Company, Queen's Court House, 39 Sandgate, Ayr KA7 1BE

("the landlord")

The Tribunal:

**David M Preston, Legal Member and Mr Andrew Murray Ordinary Member
(Surveyor)**

("the tribunal")

Whereas in terms of their decision dated 9 April 2018, The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal') determined that the landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("The Act") the tribunal requires the landlord to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the tribunal requires the landlord:-

- 1. To carry out such repairs as are necessary to the roof and gutters of the property to eliminate the ingress of water to the roof-space and northmost first floor room at the front of the property as identified in the report by J & E Shepherd, Chartered Surveyors dated 9 February 2018;**
- 2. To obtain from a suitably qualified timber and damp specialist a detailed report relative to the timber decay identified by the tribunal at the inspection in the area above the window in the front bedroom, the damp in the lounge / livingroom and the cupboard within which the boiler is located and complete all such repairs as identified therein;**
- 3. To repair or replace as necessary the defective double glazed fittings in the lounge and front bedroom to ensure that they are in good condition and in proper working order;**
- 4. To instruct a SELECT or NICEIC electrician to carry out a full inspection of the electrical installation and apparatus throughout the Property and to repair or renew any parts which require to be renewed or repaired, including the "trailing wire" power source to the washing machine, to ensure the installation is fully functioning and meets current regulatory standards. A satisfactory and contemporary Electrical Installation Condition Report should be submitted to the Tribunal.**

The tribunal order that the works specified in this Order must be carried out and completed within the period of eight weeks from the date of service of this Notice.

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.

In terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary

conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house: IN WITNESS WHEREOF these presents, typewritten on this and the preceding two pages are subscribed as follows:

D Preston

A Maclean

Chairing Member

Witness signature

OBAN

Place of signing

Amanda MacLean

Witness full name

9 APRIL 2018.

Date of signing

Inverglenn

Witness Address

Barcalaine

PA37 1SE

Housing and Property Chamber

First-tier Tribunal for Scotland



STATEMENT OF DECISION FOR REPAIRING STANDARD ENFORCEMENT ORDER ("RSEO") UNDER SECTION 24 HOUSING (SCOTLAND) ACT 2006 ("the Act").

Chamber Ref: RP/HPC/RP/18/0231

THE PROPERTY:

46, Fort Street, Ayr KA7 1DE being All and Whole: (I) 2 storey house at 46 Fort Street, Ayr, part of the subjects referred to in Disposition in favour of William Auld, recorded in the Division of the General Register of Sasines applicable to the County of Ayr on 12 November 1902 and (II) offices at 48 Fort Street, Ayr, referred to in Disposition in favour of Ayr Tyre Factors Limited, recorded in the said Division of the General register of Sasines on 4 January 1962.

THE PARTIES:

Mr Douglas Swan, residing at 46 Fort Street, AyrKA7 1DE ("the tenant")

and

Mrs Sally Ward, Ward Properties, Allestree Mews, Southwood, Troon KA10 7EL, per her agent Mr Colin Duck, Solicitor, The McKinstry Company, Queen's Court House, 39 Sandgate, Ayr KA7 1BE ("the landlord")

THE TRIBUNAL:

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

David M Preston (Legal Chair) and Donald Wooley, Surveyor (Ordinary Member)

Decision:

The tribunal, having made such enquiries as are fit for the purposes of determining whether the landlord had complied with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act") in relation to the property, and taking account of the representations by the tenant:

- 1. Determined that the landlord had failed to comply with the said duty; and**
- 2. Determined to issue a Repairing Standard Enforcement Order (RSEO) under section 24(2) of the Act.**

Background:

1. By application dated 31 January 2018 the tenant applied to the First Tier Tribunal for Scotland; (Housing and Property Chamber) (hereinafter referred to as HPC) for a determination of whether the landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Act.
2. The application by the tenant stated that he considered that the landlord had failed to comply with her duty to ensure that the house meets the repairing standard at the start of the lease and throughout its duration and in particular that the landlord had failed to ensure that:-

The house is wind and watertight and in all other respects reasonably fit for human habitation.

The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.

The installations in the property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.

The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

3. In particular the tenant complained that:

Front Bedroom:

Full repair of ceiling;
Renew DPC;
Renew damaged stonework (exterior of window);
Renew and replace damaged roof tiles;
Repair or remove or cap unused chimney (exterior);
Replace double glazed sealed window unit.

Collapsing ceiling and severe water penetration resulting from damaged chimney and loose brickwork and substandard roofing. The bedroom window is damaged with water within sealed unit, and water is at the stage where it is

travelling towards electrical sockets. There is a constant strong smell of dampness from the ceiling and bay window area and floor.

Guttering:

Full cleaning of guttering and replacing of missing guttering.

Has never been cleaned since at least May 2016, and is full of vegetation the result being water penetration into the property at upper bathroom and other areas, resulting in wall fabric and brickwork crumbling. There is also guttering missing from the rear of the building resulting in overflow of water directly on to paths.

Lounge:

Replacement of two leaking damaged windows;
Drying out or replacement of mains electric unit.

Water coming in via substandard window repair, this water runs from window on to floor and down towards the mains electric unit which is extremely dangerous, and borders on a health and safety and a fire issue.

Kitchen:

Removal of human waste pipe to be placed underground;
Mains electric cable placed in suitable conduit or similar.

There is a 6 inch waste pipe and exposed mains cables running along the kitchen floor, which having sought advice have been informed should certainly not run above ground level containing human waste and certainly not across a kitchen floor.

Chimney:

Removal of chimney or major renovation work done;
DPC where required to chimney base area.

In loft area there is water penetration and loose brickwork at the chimney area, this is resulting in water penetration which is spreading to bedroom and water is travelling through the upper floor walls at various points.

Bathroom:

Removal of damaged brickwork and rotten windows;

Strengthen boiler support and conceal gas pipes and cables.

In the boiler cupboard the exterior rear wall is crumbling to the touch and gaping holes are appearing in the floor through the water penetration, and severe dampness.

4. By Decision dated 2 February 2018 a Convener of HPC having delegated power for the purpose, referred the application under Section 22 (1) of the Act to the tribunal. A Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act was served on both the landlord and the tenant on 20 February 2018.
5. Following service of the Notice of Referral further written representations were received from the tenant by email dated 22 and 28 March 2018.

Inspection:

6. The tribunal inspected the property on the morning of 28 March 2018. The tenant and Mr Duck on behalf of the landlord were in attendance throughout the inspection.
7. The photographs, taken at the time of the inspection referred to below are contained in the Schedule attached hereto.
8. The property was a two storey semidetached house estimated to have been constructed towards the end of the 19th century and located on the periphery of Ayr town centre within a mixed commercial and residential area. There is no front garden and access to the property is taken directly from the pavement. There is a garden to the rear. The outer walls are of stone construction' rendered externally and the roof is pitched, clad externally with slates. (Photograph 1)
9. The accommodation, over two levels, may be described as comprising on the ground floor: entrance hall; lounge / living room; dining room (currently in temporary use as a bedroom); study; cloakroom / wc; and kitchen; and on the upper floor: 3 bedrooms; and bathroom.
10. At the time of inspection scaffolding had been erected on the pavement immediately in front of the building as part of ongoing repairs to the building. This restricted the tribunal's observations particularly in respect of the stonework and parapet style gutters on the front elevation. (Photograph 1)
11. The inspection revealed that in recent weeks the landlord has undertaken a number of repairs to the external fabric of the building which include, although may not be restricted to the following items:-

The former mutual chimney-head which was previously shared with 44 Fort Street has been removed and replaced with a stainless steel flue projecting above roof level. This flue serves a gas appliance in the adjoining property. (Photograph 20)

The area around the base of the gable (south) chimney and the projecting skew stone on the front roof pitch have been overlaid with felt as protection against water ingress. Several slates appear to have been renewed although a number of repairs to the roof covering and associated flashing remain outstanding. (Photograph 15 & 16)

Internally the landlord has installed mains wired, interlinked smoke and heat detectors in accordance with the Revised Domestic Technical Handbook guidance and the Scottish Government revised statutory guidance on the requirements for smoke alarms,

12. Specific observations relative to the application:

Front bedroom: (Photograph 6-9)

There are areas of missing ceiling and wall plaster specifically around the front window (Photograph 6 & 7). Adjacent to the window there is a hole in the plasterboard ceiling lining exposing a void between the original lathe and plaster ceiling and the more modern plasterboard replacement. Residual damp staining, dry at the time of inspection, was noted at the ceiling and surrounding area. A section of bitumen was lying on the floor. The tenant stated this had been part of a damp proof course (DPC) previously located above or around the window opening prior to the plaster collapse.

The window pane was covered in a "whitewash" restricting the observations of the tribunal, although evidence of condensation was noted between the double glazed panes suggesting that the "seal" was defective.

Following the collapse or removal of the plasterboard lining above the window, this has exposed a number of roof timbers which have been affected by decay, a badly corroded steel joist and some deterioration to the internal face of exposed stonework (Photograph 8 & 9). This coincides with the positioning of the external "parapet gutters" on the front elevation which appeared to be the subject of an ongoing repair by the landlord.

Lounge / Living Room (Photographs 2 & 3)

Damp staining is evident around the base of the front window frame and on the timber window sill. Moisture readings were taken at both areas and no

recent evidence of damp was noted. Further moisture readings were taken at the window reveals (ingoes) immediately above the window sill and randomly in the cupboard housing the electrical consumer unit below the window. These readings proved positive with moisture contents of 23% and 28% respectively at the areas tested. In all cases the readings were witnessed by the parties present during the inspection.

The electrical consumer unit was not, at the time of the inspection, directly affected by damp although the relatively high moisture content affecting the wall lining in close proximity may be considered a potential health and safety issue. It would also appear that the levels of dampness in the wall and cupboard may vary intermittently, depending on weather conditions.

On the floor within the cupboard housing the electrical consumer unit there was a stainless steel bowl partially filled with water although the exact source of the water could not be identified.

The windows are of translucent double glazed design and there is evidence of condensation between the panes indicating a failure of the seals. Residual damp staining was evident at the timber sill of the south window although this was dry at the time of the inspection.

Kitchen (Photographs 4 & 5)

Prior to the inspection the tenant had removed the kick boards below the kitchen units which are situated between the mutual wall with the ground floor cloakroom / wc and the rear external wall. Located below the units is what appears to be a waste disposal pipe leading from the wc to an external foul sewer. Access to the pipe was very restricted due to the presence of the units although, from a limited inspection there was no evidence of a leak or nauseous smell from the waste pipe. (Photograph 5)

The photograph shows water on the floor and on the supporting legs of the base units. This did not originate from the waste pipe. It was the result of a relatively high pressure, short lived water escape from the supply pipe to the washing machine. This occurred when the tenant moved the appliance to facilitate visual access to the area immediately behind the washing machine for the tribunal.

The washing machine is powered by an electrical cable connected to a 13 amp power point, wall mounted and located behind the washing machine. The tenant stated that it had previously been lying on the floor behind the appliance and had been fixed to the wall by his son. The power supply to the

power point is lying loose and not encased in any form of conduit (Photograph 4) resulting in a 'trailing wire' power source.

Bathroom (Photographs 10 – 12)

Moisture readings taken on the rear wall of the cupboard containing the gas fired boiler in the bathroom identified a moisture content of 40% and the readings were witnessed by the parties present during the inspection. (Photograph 10) Repairs are necessary to the surrounding wall plaster.

There is evidence of rot affecting the timber skirting board, adjacent to the boiler on the outer wall. (Photograph 11) Damp conditions are at a level which may cause future decay and further deterioration of the surrounding wall plaster and adjoining timbers if left untreated.

The boiler appears adequately supported and attached to the outer wall through which it is ventilated. There is a gap surrounding the flue where it passes through the wall plaster. (Photograph 12) Immediately below the boiler there are exposed central heating and gas pipes although they are generally concealed within the cupboard area.

External

Roof slating appears old, possibly the original. Some recent repairs have been completed although there are a number of loose chipped and missing slates and further repairs are necessary.

The skew stones (gable wall projection above roof level) most notably on the rear roof pitch, together with areas of the south chimney are in need of repair and re-felting to avoid water ingress (Photograph 14)

There is some vegetation affecting a localised area of the rear PVC gutter (Photograph 17) although no evidence of any significant staining affecting the surrounding rendering / masonry was noted. There is no guttering immediately below the curved / angled roof above the internal stair projection on the rear elevation (Photograph 18). At a height slightly above that of the remaining PVC rear eaves gutters, a low level diversionary structure predominantly of lead or some similar material, has been constructed to divert the majority of the rainwater, which would otherwise cascade over the stair projection, into the existing gutters. (Photograph 19) In buildings, particularly those of this age and construction, this is not an uncommon design.

Due to the presence of scaffolding no detailed inspection of the parapet guttering was possible from ground level. This does remain a likely source of water ingress, plaster deterioration timber decay and corrosion as previously identified in the front bedroom and further investigation is necessary.

There is a visible gap between the surrounding masonry and the boiler flue projection on the rear elevation (Photograph 13) which may be a contributory factor in relation to the prevailing damp conditions affecting the plasterwork in the boiler cupboard.

Additional site observations.

There is no CO detector in the vicinity of the gas boiler, although this is not mentioned in the original application.

Hearing:

13. Following the inspection of the property the tribunal held a hearing at Russell House, King Street, Ayr KA8 0BQ and heard representations from Mr Duck on behalf of the landlord. The tenant did not attend the hearing and provided the tribunal with 5 copies of further written submissions to be considered. He advised the tribunal that he had received medical advice that he should not attend and confirmed that he was happy for the hearing to proceed in his absence on the basis of his written representations.
14. At the start of the hearing the convener confirmed the procedure which it was intended should be followed.
15. Mr Duck advised that he had no objections to the tribunal considering any of the tenant's written submissions.
16. Mr Duck explained that no written representations had been submitted on behalf of the landlord due to the difficulties in the landlord receiving the papers and being out of time to lodge written representations. He confirmed that he had instructions to make representations on her behalf orally at the hearing. He said that the first his client knew of the complaints was on 31 January 2018 on receipt of the tenant's notification letter. She had then obtained quotes and instructed repairs to the roof which were in the course of being carried out as evidenced by the scaffolding erected at the front of the property. The works had been partially completed and although the workmen were not present during the inspection they were due to return to complete the work.
17. Mr Duck advised that a report had been obtained from Mr Stewart of J & E Shepherd, Chartered Surveyors. Unfortunately he did not have a copy of the

report to hand but undertook to deliver a copy to the offices of the Tribunal, which was received on 4 April 2018 along with a further letter from Mr Stewart dated 20 March 2018 which are attached hereto as Schedules 2 and 3.

18. Mr Duck advised that the landlord was being guided by the contractors in relation to the works required. She had obtained reports and tenders from a number of contractors before issuing instructions. He noted that between the visits of Mr Stewart on 8 February 2018 and Richardson & Starling on 12 February 2018 there had been further deterioration to the roof. The reports refer to the roof problems in the vicinity of the front bedroom although neither was presented to the Tribunal at the hearing.

Findings of fact:

19. In reaching its decision the tribunal had regard to:

- a. The application dated 31 January 2018, including the "Attached Repairs Request" and Royal Mail proof of delivery dated 31 January 2018;
- b. A series of photographs submitted by the tenant;
- c. Written representations from the tenant dated 22 and 28 March 2018;
- d. Copy Lease dated 12 May 2016; and
- e. Copy Search Sheet number 654/370 in respect of the property.
- f. Report by J E Shepherd dated 9 February 2018 and letter dated 20 March 2018.

20. The tribunal finds in fact that:

- a. The tenancy between the parties was constituted by the Tenancy Agreement between the parties dated 12 May 2016 and subsists until 31 May 2021.
- b. The tenant advised the landlord of the issues with the property and of his concerns.
- c. At the time of inspection the property failed to meet the repairing standard in a number of respects.

Reasons for the decision:

21. The tribunal was satisfied from its inspection that the area around the front bedroom window where the plaster and plasterboard were missing which gave sight of the rotted timber and corroded joists meant that the property was not wind and watertight and reasonably fit for human habitation. The tenant had temporarily moved his bedroom to the ground floor as a result.

22. If the report from J & E Shepherd had not been made available to the tribunal, it would have required that a comprehensive report from a suitably qualified contractor or chartered surveyor should be obtained, detailing the present condition of the roof, gable chimney-head, skew stones, any associated flashing and the parapet gutter / gutter lining and identifying any necessary repairs and remedial work required. Thereafter all necessary repairs and remedial action identified should be completed in accordance with the recommendations contained therein, ensuring that all of these areas are in a satisfactory condition, including the making good of plasterwork and decoration internally.
23. The tribunal considered that the report by J & E Shepherd dated 9 February 2018 addressed the majority of issues apart from the areas of rotten wood seen by the tribunal at the inspection and considers that a more detailed report, prepared by a suitably qualified timber and damp specialist contractor, should be obtained in order to identify the extent of the damp, decay and recommended remedial action. The tribunal did not consider that the corroded steel joist in that area was a matter of concern in relation to the repairing standard.
24. The report should also address the other areas of damp and / or water ingress identified by the tribunal at the inspection in the living room / lounge and boiler cupboard, including the area on the rear wall surrounding the boiler flue, in order to identify the extent of all necessary remedial action. The landlord should address those repairs or renewals as recommended.
25. The exposed gas and water pipes in the boiler cupboard were not found to be defective in any way and the tribunal makes no order in this regard.
26. The tribunal did not detect any leakage or smell from the waste pipe running beneath the units in the kitchen and therefore cannot conclude that it is not in a reasonable state of repair and full working order and therefore makes no order in this regard.
27. The tribunal did not detect any issue with the boiler support as complained of and makes no order in this regard.
28. With regard to the alleged problems in relation to the guttering at the rear of the property, the vegetation should be cleared along with any other obstructions. The tribunal was satisfied that the low level diversionary structure above the curved / angled roof over the internal stair projection was not an uncommon design and should be sufficient to divert rainwater satisfactorily so long as kept free of leaves or other obstructions. The landlord should inspect for any obstructions in this area and clear as necessary.

29. In view of the 'trailing wire' issue identified in respect of the washing machine power supply and the potential for dampness and water penetration in the vicinity of the mains consumer unit, the landlord should instruct a SELECT or NICEIC electrician to carry out a full inspection of the electrical installation and apparatus throughout the Property and to repair or renew any parts which require to be renewed or repaired, to ensure the installation is fully functioning and meets current regulatory standards. A satisfactory Electrical Installation should be lodged with the offices of the Tribunal.
30. The defective double glazed units in the living room / lounge and the front bedroom should be repaired or renewed as necessary to ensure that they are in a reasonable state of repair and full working order.
31. Although not part of the application the landlord is advised to have regard to the requirements in respect of carbon monoxide detectors. As it did not form part of the application the tribunal is unable to make a formal order in this regard.
32. The tribunal would observe that many of the tenant's representations referred to matters which were extraneous to the application. The function of the tribunal is solely to determine whether the property meets the repairing standard and identify what steps need to be taken by the landlord to ensure that it does. The tribunal is not involved in matters of relationships between the parties.
33. The tribunal accordingly determined to issue a RSEO and considers that a period of eight weeks is a reasonable time within which the works specified in the order should be carried out in view of the fact that repairs to the roof have been commenced. The tribunal noted that the formal intimation of the problems was sent to the landlord on 30 January 2018 and the application was made to the tribunal the following day. A report had been obtained, contractors appointed in respect of the external issues and work had commenced by the date of the inspection. The tenant stated that he had made verbal complaints since November 2017 but even on that basis, the tribunal did not consider this to be an unreasonable response by the landlord.
34. The tribunal would note that the tenant expressed some concerns about the firm of J & E Shepherd, the tribunal considers that it is a matter for the landlord to decide which firm it will use. The firm is a professional firm of chartered surveyors who have been engaged to provide their professional opinion.

In terms of section 46 of the Tribunals (Scotland) Act, 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.

D Preston

-- Legal Member

9 April 2018 Date

Oban, 9 April 2018

This is the Schedule of photographs referred to in the foregoing Statement of Reasons
D Preston

46 Fort Street Ayr KA7 1DE

Legal member 

Schedule of Photographs taken at the inspection on 28th March 2018



1:- Entrance & External View



2:- Living room Window



3:- Electrical Cupboard



4:- Washing machine electrical connection



5:-Waste disposal pipe



6 :- Bedroom Window



7:- Bedroom Window



Photographs 8 &9:- Corroded beam & rotted timbers above bedroom window



10:- Damp wall below boiler



11:- Rotted skirting below boiler



12:- Internal gap at boiler flue



13:- External gap at boiler flue



14:- Rear roof, south chimney & skew



15:- Front roof, south chimney & skew



16:- Missing roof slates



17:- Remnants of vegetation in gutter



18:- Rear stair projection and eaves



19:- Rain water barrier / diverter above stair projection



20:- Replacement mutual flue



Oban, 9 April 2018

This is Schedule 2 being the report dated 9 February 2018 referred to in the foregoing Statement of Reasons
D Preston

Legal Member

Shepherd • Chartered Surveyors • 22 Miller Road, Ayr, KA7 2AY • Tel 01292 267967 • Fax 01292 611521

E-mail ayr@shepherd.co.uk

Regulated by RICS

GS/WR

9th February 2018

Mr & Mrs M Ward
Ward Properties
Ailestree Mews
Southwood
TROON
KA10 7EL

Partners

George P Bremner FRICS
Ian J Ferguson BSc FRICS
Christopher J Granger BSc FRICS
Garry McCuskey Dip Prop Invest FRICS
J Malcolm Hunter FRICS
Kevin I Angus FRICS
Paul Taylor FRICS
Jan P Hannon BSc (Hons) MLE FRICS
Jason Begg FRICS
Craig Brown BSc FRICS
Michael Horne BSc FRICS
Darren Lewis BSc (Hons) FRICS
Ewen Sparks BSc FRICS
Graeme Stewart Dip Surv FRICS
Steven W Bennett BSc FRICS
D Neil Gunn BSc FRICS

Staff

Neil Thompson BSc FRICS
Martin White FRICS
Adrian Scott BA (Hons) Dip Surv FRICS
Lachlan G R MacFarlane BSc FRICS
Jonathan Reid BSc (Hons) FRICS
Donald Harrold BSc FRICS
Alexander Rennie BSc FRICS
James U Richardson BA (Hons) FRICS
William Laidlaw FRICS
Gregor Simpson BSc FRICS
Alan Fleming FRICS
Kevin H Bell BSc FRICS
Steven Ferguson BSc (Hons) FRICS
Anthony Bennett BSc FRICS
Colin Campbell FRICS
Stuart Dunne BSc (Hons) FRICS

Christopher Hunter BA (Hons) FRICS

Andrew D Sykes FRICS
Paul J Duncan BSc (Hons) FRICS
Neil Hair FRICS
Kristofer Hall, FRICS

Associates - Ayr Office
David Brington BSc FRICS

Consultant - Ayr Office
Patrick Cairney

Dear Mr and Mrs Ward

Address: 46 Fort Street, Ayr, KA7 1DE

You recently requested that we carry out an inspection of the above property following complaints from the sitting tenant and intervention from South Ayrshire Council requesting that the property be made wind and watertight. I summarise my findings as follows:-

The property was inspected on the morning of 8th February 2018 and comprises a two storey semi detached townhouse within Ayr Town Centre. The property is of substantial solid stone/rubble construction beneath a pitched and slate clad roof. We have restricted our comments to the defects requiring attention.

Front Left-Hand (from front) Upper Bedroom

Long term water ingress from the front roof/wall head gutter area has resulted in damp plaster and rot to concealed timbers at the window lintel area. Plaster has become saturated and come away, exposing the affected area. The source of water penetration requires to be traced and repaired externally with further exposure work of the internal fabric and removal of rot affected timbers before reinstatement of internal plaster finishes. The tenant advises this area was repaired around one year ago but that he thought water ingress was from window surrounds at that time. It is unclear what repair works were carried out although these have clearly not been successful.

Damp plaster (visual and with moisture meter) was detected at the upper wall/ceiling area within the same bedroom at the party/chimney breast wall, indicative of ongoing water penetration from the chimney head area.

Front Right-Hand Upper Bedroom

Damp plaster was noted around the chimney head area and water penetration should be traced and fully repaired.

Living Room Windows

Damp joinery was noted at the shelf surfaces of both front and gable window reveals within the living room. The tenant claims that water builds up during periods of rainfall but that the problem is not condensation related. Above average damp readings were also obtained at the plaster lined window reveal in the dining room. Externally, window surround seals are perished and loose in places and should be stripped back and reinstated. One or two failed (misted) double glazing sealed units were noted and should be replaced in due course but are not a source of dampness or water penetration.

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Shower Room

Within the boiler cupboard in the shower room, some plaster and skirting timber are in direct contact with external wall masonry which is damp, resulting in damage to the plaster and timber which requires to be removed and replaced including a damp membrane.

Roof

A number of loose and broken roof slates and components were noted as well as a build up of moss growth to the rear roof pitch and weathered skew flashings. Roof coverings have suffered slight deflections in places. We were able to partially inspect the roof void area where the party fire wall/chimney breast was visibly damp and a number of roof timbers were damp as well as one or two daylight holes visible. Roof coverings require a degree of overhaul and regular ongoing maintenance.

The party chimney is in poor condition with extensively weathered render/brick work visible as well as vegetation growth. A mutual repair with the adjoining property should be instructed to patch defective masonry, check and repair chimney head flashings and identify and repair all areas of water penetration.

The gutter arrangement to the front eaves area is a parapet/wall head style arrangement assumed to be lined in felt or lead. These are a common source of damp ingress and rot related defects in buildings of this nature and the full length of the gutter should be checked for leakage, repaired as necessary and regularly cleared of vegetation and debris to prevent damp ingress.

Other Items

Our attention was drawn to other items by the sitting tenant including a soil waste pipe beneath kitchen units and some electric cable. We have not tested services nor checked these items against current Building Regulations and it is our understanding that these were not raised by South Ayrshire Council in their recent communication. At the time of our inspection, tradesman were in attendance for the installation of smoke/heat detectors.

We understand there is a requirement to maintain the property in a wind and watertight condition and in this respect the repair items relating to the roof, chimney and windows are required. Any other defects noted are included as additional information only.

We trust our summarised comments meet with your requirements and we attach photographs of the items of repair noted. Should you require a full and detailed report from us, we would be pleased to provide same on request. We attach a note of our fee, as requested.

Yours faithfully



Graeme F Stewart, DipSurv MRICS
Per Pro J & E Shepherd Chartered Surveyors

46 Fort Street, Ayr
Photos taken 8th February 2018



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Photos taken 8th February 2018





Oban 9 April 2018

This is Schedule 2 being latter dated 20 March 2018 referred to in the foregoing Statement of Reasons.
D Preston

Legal Member

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Regulated by RICS

GS/WR

20th March 2018

Mr & Mrs M Ward
Ward Properties
Allestree Mews
Southwood
TROON
KA10 7EL

Partners

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Ian J Ferguson BSc FRICS
Christopher J Gilmoyr BSc FRICS
Garry McCuskey Dip Prop Invest MRICS
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Paul Taylor FRICS
Ian F Harmon BSc (Hons) FLE MRICS
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Craig Brown BSc MRICS
Michael Horne BSc MRICS
Darren Lewis BSc (Hons) MRICS
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D Neil Gunn BSc MRICS

Neil Thomson BSc MRICS

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Adrian Scott BA (Hons) Dip Surv FRICS
Lachlan G R MacFarlane BSc MRICS
Jonathan Reid BSc (Hons) MRICS
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James U Richardson MA (Hons) MRICS
William Liddlow MRICS
Gregor Simpson BSc MRICS
Alan Fleming MRICS
Kevin H Bell BSc MRICS
Steven Ferguson BSc (Hons) MRICS
Anthony Bennett BSc MRICS
Colin Campbell MRICS
Sharron Dunne BSc (Hons) MRICS

Christopher Hunter MA (Hons)

MRICS
Andrew Hall MRICS
Andrew D Sykes MRICS
Paul J Duncan BSc (Hons) MRICS
Neil Muir MRICS
Kristofer Hall, MRICS
Associate - Ayr Office
David Brangan BSc MRICS
Consultant - Ayr Office
Patrick Cairney

Dear Mr and Mrs Ward

Address: 46 Fort Street, Ayr, KA7 1DE

Further to my previous letter dated 9th February 2018, I carried out a re-inspection of the above property on 27th February 2018 in accordance with your verbal instructions.

The external fabric of the property was inspected from ground level and I also fully entered the roof void.

Since my previous visit on 8th February 2018, there are three additional and noticeable daylight holes within the roof void. There are also a much larger number of displaced slates on the roof, particularly at the front pitch. I enclose photographs taken during my re-inspection.

I have also spoken briefly with Graeme Bruce of Richardson & Starling as there seems to be an implication that he or another attending tradesman caused the damage which appears to have occurred between my visits to the property on 8th and 27th February 2018. He advises that when he visited the property after 8th February 2018, there were several daylight holes within the roof void, suggesting that the change in circumstances occurred after my initial visit and prior to his.

I enclose the photographs referred to above and trust my comments meet with your requirements.

Yours faithfully

Graeme F Stewart, DipSurv MRICS
Per Pro J & E Shepherd Chartered Surveyors

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