

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order

Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)

(Hereinafter referred to as "the tribunal")

Under Section 24(1) of the Housing (Scotland) Act 2006 ("the Act")

Case Reference Number: PRHP/RP/16/0295

Re: 1 Essex Road, Greenock PA16 0JJ ("the house")

Land Register Title No: REN50262

The Parties:-

Mr Martin Allan, formerly residing at the house ("the tenant")

Priya Properties Limited, having its registered office at 1 Mansion Avenue, Port Glasgow PA14 6QP ("the landlord")

Tribunal Members – Sarah O'Neill (Chairperson); Mike Links (Surveyor Member)

NOTICE TO: Priya Properties Limited (the landlord)

Whereas in terms of its decision dated 1 May 2017, the tribunal determined that the landlord had failed to comply with the duty imposed on it by Section 14 (1) (b) of the Act, and in particular that the landlord has failed to ensure that the house meets the repairing standard in that the house is not wind and watertight and in all other respects reasonably fit for human habitation

The tribunal now requires the landlord to carry out such work as is necessary for the purpose of ensuring that the property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.

In particular, the tribunal requires the landlord to:

1. Instruct a suitably qualified contractor to investigate the cause of the dampness along the bedroom wall next to the chimney, and to carry out such works as are

necessary to treat the dampness, in order to ensure that the bedroom is wind and watertight and otherwise reasonably fit for habitation.

2. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

The tribunal orders that the works specified in this order must be carried out and completed within the period of **two months** from the date of service of this notice.

Rights 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.

Please note that in terms of section 28(1) of the Housing (Scotland) Act 2006, 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. This is in terms of Section 28(5) of the Act.

IN WITNESS WHEREOF these presents typewritten on this and the preceding page are signed by Sarah Frances O'Neill, solicitor, Chairperson of the First-tier Tribunal for Scotland (Housing and Property Chamber), at Glasgow on the first day of May, Two Thousand and Seventeen before this witness -

S O'Neill

witness —

chairperson

Laura Wardlaw name in full

1 Atlantic Quay address

45 Robertson Street, Glasgow

G2 8JB.

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

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Under Section 24(1) of the Housing (Scotland) Act 2006 (“the Act”)

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The Parties:-

Mr Martin Allan, formerly residing at the house (“the tenant”)

Priya Properties Limited, having its registered office at 1 Mansion Avenue, Port Glasgow PA14 6QP (“the landlord”)

Tribunal Members – Sarah O’Neill (Chairperson); Mike Links (Ordinary Member)

Decision

The tribunal, having made such enquiries as it saw fit for the purposes of determining whether the landlord has complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 (“the Act”) in relation to the property, and taking account of all the available evidence, determines that:

- 1) the tenancy between the parties was lawfully terminated at some point between 11 November 2016 and 13 December 2016.
- 2) the landlord has failed to comply with the duty imposed on it by Section 14 (1) (b) of the Act.

The tribunal therefore issues a Repairing Standard Enforcement Order. The tribunal’s decision is unanimous.

Background

1. By application received on 9 September 2016, the tenant applied to the Private Rented Housing Panel (‘the panel’) for a determination that the landlord had failed to comply with its duties under Section 14(1) of the Act.

2. In his application, submitted on his behalf by his solicitor, Ashley Martin of Legal Services Agency, Greenock, the tenant stated that he believed the landlord had failed to comply with its duty to ensure that the house met the repairing standard as set out in section s13(1) (a) (c) (d) (f) and (g) of the Act. His application stated that the landlord had failed to ensure that:

- the house is wind and watertight and in all other respects reasonable fit for human habitation
- the installations in the house 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
- any fixtures, fittings and appliances provided by the landlord under the tenancy 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
- the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health

3. The tenant included the following complaints in his application form:

1. 13amp socket partly detached from wall and suspect electrical connection
2. Defective rocker switch (hall light switches x3)
3. Main bedroom 3rd left, dampness in chimney wall
4. Section of skirting missing in 2nd left bedroom
5. Defective shower unit (leaking) - previously went on fire with previous tenants
6. Bath drainage overflowing onto back patio
7. Bath handles missing
8. Defective WC system
9. Wash hand basin defective (plug)
10. Tap unit wash hand basin loose
11. Wash hand basin loose and seal defective
12. Bathroom skirting and bath panel loose and defective
13. No current gas safety certificate
14. Oven not secure
15. No kick plates (kitchen)
16. Work top at kitchen sink loose (kitchen)
17. Work top/wall junction open jointed
18. Cornerstones broken and fully detached (kitchen)
19. Window sill/wall at sink open jointed and sill loose (kitchen)
20. Boiler cupboard broken and defective (kitchen)
21. Back porch wall and roof plaster broken in several places
22. Light fitting and switch defective (back porch)
23. Wiring not secure x 2 (back porch)

24. Accumulation of refuse from former tenant in several places
 25. Bedroom 2nd left ceiling rose detached
 26. No hard-wired smoke detectors
 27. No carbon monoxide detector
-
4. On 16 September 2016, a Convener of the panel, with delegated powers under Section 96 of the Housing (Scotland) Act 2014, issued a minute of decision stating that he considered that in terms of section 23 (3) of the Act there was no longer a reasonable prospect of the dispute being resolved between the parties at a later date; that he had considered the application paperwork before him as at 16 September 2016; and intimating his decision to refer the application to a panel committee (now the tribunal) for determination.
 5. The President of the panel wrote to the parties on 11 October 2016, notifying them under and in terms of the Act of her decision to refer the application under Section 22(1) of the Act to a private rented housing committee ('the committee', now the tribunal) and that an inspection and a hearing would take place on 17 November 2016. Written representations were requested by 1 November 2016. Written representations were received from the tenant's solicitor on 31 October and from the landlord on 15 November 2016.
 6. On 19 October 2016, the committee issued a direction to the landlord, requiring it to provide by 10 November 2016: 1) an up to date Electrical Installation Condition Report (EICR) in respect of the house by a suitably qualified and registered SELECT or NICEIC contractor, showing that all electrical installations and fixtures and fittings had been checked and were working safely and 2) an up to date gas safety certificate in respect of the house by a Gas Safe registered engineer, showing that all gas installations and appliances had been checked and were working safely. The landlord enclosed a copy gas safety certificate in respect of the house dated 16 June 2016 with his written representations received on 15 November, but did not provide an EICR as directed.
 7. On 14 November 2016, an email was received from Legal Services Agency, advising that the tenant was no longer living at the house. The email stated that he and his wife (and co-tenant) had been unlawfully evicted, and therefore had no access to the house. It also stated that the tenant had reported the matter to the police, who had advised them not to go back to the house for their own safety.
 8. Following confirmation by telephone by the tenant's solicitor to a member of panel staff that the tenant would not attend the scheduled inspection on 17 November, and confirmation from the landlord that no-one would be present to allow access for the inspection, the committee decided to postpone the

inspection and hearing. It issued a further direction (No.2) to the parties on 17 November, confirming that a new date had been fixed for 13 December 2016. The direction also invited the parties to submit any further written representations by 6 December 2016; reminded the landlord that the committee had a right of entry to the house to carry out an inspection, and could obtain a warrant to gain entry if necessary; and again required the landlord to provide an up to date EICR by 6 December 2016. No further written representations were received from either party by the deadline. No EICR was received from the landlord by that date.

9. On 1 December 2016, the functions of both the panel and the committee were transferred to the First-tier Tribunal for Scotland (Housing and Property Chamber).

The inspection

10. The tribunal inspected the house on the morning of 13 December 2016. The weather conditions at the time of the tribunal's inspection were cold, damp and overcast. Mr Simon (otherwise Sukdhev) Boparai, a Director of the landlord, Priya Properties Limited, was present at the property during the inspection. The tenant was not present or represented at the inspection. Photographs were taken during the inspection, and these are attached as a schedule to this decision. Mr Boparai provided the tribunal with a copy of an EICR dated 2 December 2016 at the inspection.

The house

11. The house is a semi-detached former housing association property in the region of 70 years old. It comprises: a hallway, living room, kitchen and bathroom downstairs and three bedrooms upstairs. The house was empty and there was no furniture in it. It was clear to the tribunal that there was no-one living in the house at the time of the inspection.

The initial hearing

12. Following the inspection, the tribunal held a hearing at Gamble Halls, 44 Shore Road, Gourock PA19 1RG. Mr Boparai represented the landlord at the hearing. The tenant was not present, but was represented by his solicitor, Ms Ashley Martin. Adrian Stalker, a legal member of the tribunal, was also present at the hearing as an observer.

Preliminary issues

13. The tribunal considered two preliminary issues at the hearing. Firstly, after explaining the role of the tribunal and the purpose of the hearing, the chairperson asked the parties whether they had seen copies of all of the case papers. Mr Bopari

said that he had not received copies of all of the papers. It appeared to the tribunal after further inquiry that the papers which he did not have were: 1) a copy of the land certificate for the house; 2) the tenant's written representations received from Ms Martin on 31 October 2016; and 3) the email received by the tribunal from Legal Services Agency on 14 November 2016.

14. Ms Martin told the tribunal that she had not seen the written representations received from the landlord on 15 November 2016. She confirmed that she had copies of all the other case papers, aside from the EICR which Mr Boparai had given to the tribunal at the inspection.
15. The tribunal adjourned the hearing briefly to discuss this matter, and checked the position by telephone with the tribunal office. The caseworker confirmed that the tenant's written representations of 31 October had been sent to the landlord by post on 21 November. The landlord's written representations received on 15 November had been sent to the tenant by post at the house, although not to his solicitor, but the tenant had moved out by that date, and had not received them.
16. In the circumstances, the tribunal took the view that as both parties were present or represented, and the inspection been carried out, it wished to proceed with the hearing. It considered that the papers in question were relatively brief (and assumed that Mr Boparai was familiar with the contents of the land certificate). The tribunal also took the view that, aside from the EICR, the documents in question were not directly relevant to the issue to be considered, i.e. whether the landlord had met the repairing standard. It therefore arranged for copies of the documents concerned to be provided to the parties, and adjourned the hearing for a short period to give the parties time to read these.
17. It was clear to the tribunal that there were various other matters in dispute between the parties, namely whether the tenant had been unlawfully evicted or had left of his own accord, and an ongoing court action for eviction related to rent arrears. The landlord had also submitted evidence stating that the tenant had racially abused Mr Boparai, and had been prosecuted for racially aggravated breach of the peace. On resuming the hearing after the adjournment, the chairperson made clear to the parties that the role of the tribunal was solely to consider the repairing standard issues, and that it could not become involved in these other matters.
18. That said, before the tribunal could go on to consider the repairing standard issues, it had to consider whether there was still a tenancy in place between the parties. This was the second preliminary issue which was considered by the tribunal. The tribunal had proceeded with the inspection and hearing, as there was no evidence before it at that point to suggest that there was no longer a tenancy in place. The tribunal heard evidence from the parties on this point at the hearing.

19. Mr Boparai said that he had raised an action for eviction against the tenant on the basis that he owed outstanding rent arrears. The court action was ongoing, and a proof date had been set for 13 December, the date of the tribunal hearing. Ms Martin advised that the hearing had been postponed because the tenant was defending the claim for arrears on the basis that the property did not meet the repairing standard, and was therefore awaiting the outcome of the tribunal hearing. The hearing had therefore been continued until 21 February 2017.
20. Mr Boparai stated that in his view the tenant was no longer a tenant, and that he believed he now had another tenancy elsewhere. His view was that the tenancy ended when the tenants moved out. He said that he had been contacted by the local authority homelessness unit in August 2016, and that they had accepted that he had served the correct notifications. He told the tribunal that he had secured new tenants who were due to move in the following week.
21. He said that there had been issues with obtaining access to the house, and that he had therefore been unable to do repairs. He stated that the tenants had left the property suddenly on or around 11 November 2016, without giving him any prior notice, and that he had only become aware that they had gone when he was alerted by a neighbour at the property. He had then gone to the property, to find the door lying open, and when he went in, it was apparent that the tenants had moved out. He said that the tenants had caused damage to the property, including vandalising the walls and un-plumbing the washing machine, leaving the kitchen floor flooded.
22. Ms Martin told the tribunal that the tenants had not left of their own free will, but had been unlawfully evicted and had reported this to the police. They had now made a homelessness application to the local authority. They had been accepted as not being intentionally homeless and were currently living in temporary accommodation. The tenant's position was that, as no court decree for eviction had yet been granted, there was still a tenancy in place. The chairperson asked Ms Martin whether the tenants would want to move back into the property if that were possible. She answered that they would not wish to do so.
23. Given the evidence before it on this point, the tribunal decided to adjourn the hearing to a later date in order to consider the preliminary issue as to whether there was still a tenancy in place, and if not, whether the tenancy had been 'lawfully terminated'. If the tribunal determined that the tenancy had been lawfully terminated, it would then need to decide whether to continue with the application.
24. Before adjourning the hearing, the tribunal advised Mr Boparai that: a) there should be a smoke alarm in the living room in order to comply with the statutory guidance and b) if it did decide to continue with the application, it would require the landlord to provide a further EICR produced by a suitably qualified and registered electrical contractor.

Decision on the preliminary issue of whether there was a tenancy in place

25. Having considered the parties' submissions at the hearing, and the email received on 15 December 2016 from the tenant's solicitor, on the issue of whether there is still a tenancy in place between the parties, the tribunal determined that there was no longer a tenancy in place.

Statement of reasons for the decision

26. The tribunal issued a third direction (no.3) to the parties setting out the reasons for this decision. This stated that, while it accepted that no decree of eviction had yet been granted by the sheriff, the tribunal considered that there was no longer a tenancy in place between the parties. The tribunal's role was solely to determine whether the landlord had complied with its repairing standard duty. It was not for the tribunal to make a decision about whether the tenant left the property voluntarily, as the landlord contended, or whether he was illegally evicted by the landlord as the tenant alleged.
27. The direction went on to state that the landlord's position was that the tenancy had ended, and that it appeared to the tribunal that the tenant had confirmed through his actions that he regarded the tenancy as having come to an end. The tenant's solicitor had told the tribunal at the hearing that the tenant would not wish to move back into the property if that were possible. She also confirmed that he and his wife were seeking alternative accommodation through the local authority.
28. The tribunal therefore concluded that, however the events leading to the tenant's leaving the subjects were viewed, it appeared that both parties had, by their actions, impliedly renounced the tenancy, such that it may be regarded as having been terminated, at common law. There was no statutory assured tenancy under section 16(1) of the Housing (Scotland) Act 1988, because the tenant was no longer in possession of the house.

Further procedure prior to the continued hearing

29. Having reached the conclusion that there was no longer a tenancy in place, the tribunal then considered whether the tenancy had been 'lawfully terminated'. The tribunal noted in its direction (no. 3) that the use of the word 'lawfully' was included in the Act in order to ensure that a landlord could not unlawfully evict a tenant from a house, and therefore avoid their tribunal application being taken forward. The position taken by the tenant's solicitor appeared to be that the tenancy had not been lawfully terminated, as the tenant did not move out of the property of his own accord, and no decree for eviction had been granted against him.
30. As explained at paragraph 28 above, however, the tribunal concluded that, by the date of the hearing on 13 December 2016, the tenancy agreement had been

lawfully terminated by the implied renunciation of the tenancy by both parties, at some point between 11 November and the date of the hearing. It followed that the tenant's application was therefore deemed to have been withdrawn, in terms of Schedule 2 Paragraph 7(1) of the Act. The tenant was therefore no longer to be treated as a party to the application.

31. Given its decision that the tenancy had been lawfully terminated, the tribunal then considered whether to abandon or continue to determine the tenant's application, in terms of Schedule 2 Paragraph 7(3) of the Act. The tribunal issued a minute of continuation to a determination under Schedule 2 Paragraph 7(3) of the Act on 4 January 2017. This stated that, it having been determined that the tenancy had been lawfully terminated, the tenant was to be treated as having withdrawn his application in terms of Schedule 2 Paragraph 7 (1) of the Act. It then stated that the tribunal considered that the application should be determined on public interest grounds, due to the nature of the alleged repairs and the potential effects on any future tenants/occupiers if those allegations were substantiated.
32. In its direction (No. 3), the tribunal also stated that it did not find the EICR in respect of the house dated 2 December 2016 which Mr Boparai had produced at its inspection to be acceptable. This EICR did not comply with the requirements of the tribunal's two previous directions in several respects. The tribunal therefore required the landlord to provide an up to date EICR produced by a suitably qualified and registered contractor, indicating whether the installation was satisfactory or unsatisfactory, and was working safely, by 27 January 2017.
33. A date for the adjourned hearing was subsequently fixed for 27 February 2017.
34. A letter from Mr Boparai was received by the tribunal on 21 January 2017. This raised a number of issues in relation to the tenant's application, including whether the tribunal had power to continue with the application given that the tenancy had been terminated, and the requirement in its direction (No. 3) to provide a valid EICR. The letter appeared to the tribunal to be an application for permission to appeal 1) its direction (no. 3) and 2) the minute of continuation, both dated 4 January 2017. The tribunal produced a decision rejecting the permission to appeal request and a further direction relating to the EICR and other issues.
35. It became apparent to the tribunal on or around 23 February that, due to an administrative error, these documents had not been sent out in advance of the hearing date. The tribunal therefore postponed the hearing date, and a new hearing date was fixed for 12 April 2017.
36. On 14 March 2017, the tribunal issued a statement of decision on the landlord's application for permission to appeal the tribunal's direction (no. 3) and minute of continuation. It determined that the request was not a valid application for

permission to appeal, as it was not competent under section 64(4) of the Act. The tribunal therefore dismissed the landlord's request.

37. On the same date, the tribunal issued a further direction (Direction No. 4) to the landlord. This confirmed the new hearing date of 12 April, and stated that should the landlord wish the tribunal to carry out a further inspection immediately before the hearing, it was open to the landlord to request this. It also set out the reasons why the tribunal had directed the landlord to provide an up to date EICR by a suitably qualified contractor, and again directed it to produce this by 5 April 2017.

38. On 11 April, a letter was received from Mr Boparai regarding various matters, including whether the tribunal was entitled to continue with the case; stating that there was no requirement for a further inspection; and again raising issues related to the EICR.

The continued hearing

39. On 12 April 2017, the tribunal held a continued hearing on the repairing standard issues relating to the tenant's application at Gamble Halls, 44 Shore Road, Gourrock PA19 1RG. Mr Boparai represented the landlord at the hearing. The tenant, who was no longer a party to the proceedings, was not present.

Preliminary issue

40. Mr Boparai questioned the tribunal's legal authority to continue with the tenant's application, given that it had determined that the tenancy was no longer in place. The chairperson explained to him that, following the tribunal's determination that the tenancy had been lawfully terminated, the tenant was to be treated as having withdrawn his application in terms of Schedule 2 paragraph 7(1) of the Act. The tribunal then had power to decide whether to continue to determine the application or to abandon it, in terms of Schedule 2 Paragraph 7(3) of the Act. This was all clearly set out in the minute of continuation issued by the tribunal on 4 January 2017.

41. She went on to explain that, as set out in the minute of continuation, the tribunal's decision to continue with the application was made on public interest grounds, due to the nature of the alleged repairs and the potential effects for any future tenants/occupiers if the allegations were substantiated. The reasons as to why and how the tenancy was terminated had no bearing on this decision.

42. Mr Boparai indicated that he accepted that the tribunal had the authority to continue with the application, on the basis set out in the minute of continuation.

The second inspection

43. During the hearing, Mr Boparai invited the tribunal to attend the property following the hearing to inspect the chimney wall in the main bedroom, provided that the current tenant was willing to allow access. He said that the plaster should now be dry, and that the tribunal was welcome to inspect it and see this for itself.
44. The chairperson pointed out that the tribunal had, in its Direction (no. 4), invited the landlord to request a further inspection of the property immediately prior to the hearing, but that Mr Boparai had made it clear in his email of 11 April that he did not wish a further inspection to be carried out.
45. The tribunal adjourned the hearing briefly to discuss the landlord's proposal. While the landlord had failed to request a further inspection prior to the hearing, it was a matter of common sense that the tribunal should take the opportunity to inspect the property, while it was in the area. During the hearing, Mr Boparai had provided the tribunal with a new Electrical Installation Condition Report in respect of the property dated 7 April 2017, which had been produced by a registered NICEIC contractor, and found the electrical installation to be in satisfactory condition. While there were a number of other potential repairing standard issues which had been identified at the initial inspection, these were all relatively minor, aside from the lack of a smoke alarm in the living room. Mr Boparai said at the hearing that this issue had also now been addressed.
46. The tribunal was also mindful of the length of time the proceedings had been ongoing to date, for various procedural reasons, and was keen not to delay matters further. It therefore decided that, while it did not wish to inconvenience the current tenant by re-inspecting all of the issues complained about, it was prepared to carry out a brief inspection after the hearing, to look at the chimney wall and the smoke alarm only. It would be unable to confirm whether these repairing issues had been addressed without carrying out such an inspection. The tribunal chairperson did, however, point out to Mr Boparai that, in terms of rule 46 of Schedule 1 to the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016, the tribunal must give sufficient written notice of an inspection to the party or parties. As the tenant was no longer a party to the proceedings, he did not require to be notified. Mr Boparai confirmed that he was happy to waive the requirement to give the landlord sufficient notice in terms of rule 46.
47. Mr Boparai telephoned the current tenant, who confirmed that she would provide access for a brief inspection following the hearing. The tribunal therefore carried out a brief inspection of the property after the hearing, to look at the chimney wall and the smoke alarm only. Photographs were taken during the inspection, and these are included in the schedule of photographs attached to this decision.

The evidence

48. The evidence before the tribunal consisted of:

- The application form completed by the tenant's solicitor on his behalf.
- Registers Direct copy of Land Register title REN50262, which confirmed that the house is owned by Priya Properties Limited.
- Tenancy agreement between the landlord and the tenant and Miss Lana Graham in respect of the house dated 15 July 2013.
- Signed mandate by the tenant authorising the panel to release his records and correspondence to Legal Services Agency
- Notification letter to the landlord dated 3 August 2016 from Ms Ashley Martin of Legal Services Agency, the tenant's solicitor, setting out the repairs alleged to be required, together with certificate of posting and proof of delivery.
- The written representations submitted by the tenant's solicitor by email on 31 October 2016.
- The written representations received from the landlord on 15 November 2016 (including gas safety certificate in respect of the house dated 16 June 2016).
- Email to the panel from Kasia Prochalska, trainee solicitor at Legal Services Agency, dated 14 November 2017
- Electrical Installation Condition Report in respect of the property dated 2 December 2016, provided by the landlord to the tribunal at its inspection on 13 December 2016.
- Electrical Installation Condition Report in respect of the property dated 7 April 2017, provided by the landlord to the tribunal at the hearing on 12 April 2017.
- Written representations received from Ashley Martin on behalf of the tenant on 15 December 2016.
- Letter from the landlord received on 21 January 2017, requesting permission to appeal the tribunal's direction (No. 3) and minute of continuation, both dated 4 January 2017.
- The tribunal's inspections of the house on 13 December 2016 and 12 April 2017.
- The oral representations of the landlord and the tenant's representative at the initial hearing on 13 December 2017.
- The oral representations of the landlord at the continued hearing on 12 April 2017.
- Emails received from Mr Boparai on 11 and 13 April 2017.

Summary of the issues

49. The issue to be determined was whether the house meets the repairing standard as set out in Section 13 of the Act, and whether the landlord had complied with the duty imposed on it by section 14 (1) (b).

Findings in fact

50. The tribunal made the following findings in fact:

- The tenant and Miss Lana Graham (now Mrs Allan) entered into a tenancy agreement with the landlord on 15 July 2013 to rent the house for one year.
- The tenant left the house on or around 11 November 2016.
- The house is owned by Priya Properties Limited.
- The tribunal at its inspection on 13 December 2016 (its 'initial inspection') carefully checked the items which were the subject of the complaint. The tribunal observed the following:
 - i. The house was in a poor state of decoration and cleanliness throughout.
 - ii. There were some signs of vandalism on the walls.
 - iii. All electrical sockets throughout the property appeared to be in good order.
 - iv. There was what appeared to be a TV socket in the living room which was coming away from the wall.
 - v. All three light switches in the hallway were operating correctly when tested by the tribunal.
 - vi. The tribunal took dampness readings on the wall in the main bedroom (3rd left) which was next to the chimney. It found high damp readings along that wall.
 - vii. There was a small section of skirting missing in the 2nd left bedroom.
 - viii. When the shower was tested by the tribunal, by running it for several minutes, no signs of leakage were observed. No evidence of any previous fire was observed.
 - ix. There were no obvious signs that the bath drainage had been overflowing onto the back patio.
 - x. The bath handles were missing.
 - xi. When tested by the tribunal, the WC appeared to be operating correctly. When flushed, the flush was operational and the cistern filled up again.
 - xii. The plug on the wash hand basin failed to come back up when the plunger was pushed down.

- xiii. The tap unit on the wash hand basin was loose and when pressure was put on it, was observed to move around.
 - xiv. The wash hand basin moved slightly when pushed. The seal around it was slightly loose on the left hand side.
 - xv. The bathroom skirting was slightly loose under the wash hand basin.
 - xvi. The bath panel was slightly loose.
 - xvii. The oven appeared to be securely fixed, although the hob moved slightly when pressure was put on it.
 - xviii. There were no kick plates under any of the kitchen units.
 - xix. The work top at the kitchen sink was not loose, but the sink itself appeared to be loose.
 - xx. The only joint between the work top and the kitchen wall was slightly loose, and there were signs of water ingress through this.
 - xxi. The cornerstones in the kitchen appeared to be in good order.
 - xxii. The window sill in the kitchen was loose when pressure was applied to it.
 - xxiii. The top door of the kitchen cupboard housing the boiler was missing.
 - xxiv. There was a hole in the ceiling of the cupboard in the porch.
 - xxv. The light fitting in the back porch had been replaced, and the switch was operational.
 - xxvi. The wiring in the back porch appeared to be operational.
 - xxvii. There were no signs of accumulated refuse within the property.
 - xxviii. The ceiling rose in the bedroom 2nd left was in place.
 - xxix. There were smoke detectors in both the upstairs and downstairs hallways, which appeared to be hard wired and interlinked. There was, however, no smoke detector in the living room.
 - xxx. There was a heat alarm in the kitchen.
 - xxxi. There was a carbon monoxide detector in the kitchen.
- The tribunal at its inspection on 12 April 2017 (its 'second inspection') observed the following:
 - i. A hardwired smoke detector had now been installed in the living room.
 - ii. Dampness readings were taken on the wall in the main bedroom (3rd left) which was next to the chimney. High damp readings were found along that wall.

Reasons for decision on the repairing standard issues

51. The complaints before the tribunal as set out in the tenant's application, and the tribunal's determinations in relation to each of these, are set out below.

1. 13amp socket partly detached from wall and suspect electrical connection

52. The tribunal found at its initial inspection that all electrical sockets throughout the property appeared to be in good order. It noted that there was what appeared to

be a TV socket in the living room which was coming away from the wall. At the continued hearing, Mr Boparai told the tribunal that this had been a Virgin media socket which the tenant had had installed, and had then removed himself. He said that the current tenant had now had a new socket installed. The tribunal accepted Mr Boparai's evidence on this point.

53. At the continued hearing, Mr Boparai also provided the tribunal with an updated EICR in respect of the house, dated 7 April 2017. This had been completed by a registered NICEIC contractor, and found the electrical installation to be in satisfactory condition. The report did not raise any issues with the electrical sockets. On the basis of the evidence before it, the tribunal determined that the electrical sockets throughout the house were in a reasonable state of repair and in proper working order.

2. *Defective rocker switch (hall light switches x3)*

54. The tribunal found at its initial inspection that, when tested, all three light switches in the hallway were operating correctly. Again, there were no issues raised in regard to these in the EICR dated 7 April 2017, which found the electrical installation to be in satisfactory condition. On the basis of the evidence before it, the tribunal determined that the hall light switches were in a reasonable state of repair and in proper working order.

3. *Main bedroom 3rd left, dampness in chimney wall*

55. At its first inspection, the tribunal took dampness readings on the wall in the front bedroom (3rd left) which was next to the chimney. It found high damp readings along that wall. Mr Boparai told the tribunal at that inspection that repairs had been carried out to the chimney a few days earlier, and that the plaster was still drying out. At the continued hearing on 12 April 2017, he told the tribunal that the plaster had now dried out. At its second inspection immediately following that hearing, however, the tribunal again found high dampness readings along the same wall.

56. The day after the second inspection, an email was received from Mr Boparai, stating that his letting agent had advised him that rendering repairs had been carried out to the chimney a few weeks earlier, and that he had been unaware of this. He suggested that this was the reason for the high damp readings, which he pointed out were lower than those taken at the first inspection. He said that, as the works had been done, there was no need for the tribunal to issue an order in respect of this matter.

57. While the tribunal accepts that chimney rendering works may have been carried out recently, it can only make its decision on the basis of its findings at the

inspection. The tenant's complaint was that there was dampness in the chimney wall, and the tribunal found this to be the case as at the date of both inspections.

58. While the dampness readings were indeed lower at the second inspection, the wall did not meet the repairing standard at the time of inspection, as it was not wind and watertight. While therefore the recent works may have resolved the problem, the tribunal cannot be sure that this is the case until a period of time has passed, and the plaster has dried out. The tribunal must therefore issue a repairing standard enforcement order in the meantime, which will be lifted once the wall is found to meet the repairing standard.

4. *Section of skirting missing in 2nd left bedroom*

59. The tribunal observed at its initial inspection that there was a small section of skirting missing in this bedroom. Mr Boparai told the tribunal at the continued hearing that this had been removed by the tenant. The tribunal considered that this was a very minor issue, and did not affect the state of repair of the house to any significant degree. It therefore determined that, at the date of its initial inspection, the skirting was in a reasonable state of repair and in proper working order.

5. *Defective shower unit (leaking) - previously went on fire with previous tenants*

60. When the shower was tested by the tribunal at its initial inspection, by running it for several minutes, no signs of leakage were observed. Neither was any evidence observed of any previous fire. No issues were raised with the shower in the EICR dated 7 April 2017. Mr Boparai told the tribunal that it was not true that the shower had previously gone on fire; this was just a rumour. The tribunal determined that, on the basis of the evidence before it, the shower was in a reasonable state of repair and in proper working order as at the date of its initial inspection.

6. *Bath drainage overflowing onto back patio*

61. At its initial inspection, the tribunal observed no obvious signs that the bath drainage had been overflowing onto the back patio. It therefore determined that, at the date of its initial inspection, the bath drainage was in a reasonable state of repair and in proper working order.

7. *Bath handles missing*

62. The tribunal observed at its initial inspection that the bath handles were missing. Mr Boparai told the tribunal at the continued hearing that these had been removed by the tenant, and had not been replaced. While noting that regardless of whether the tenant had removed these (which it was unable to ask the tenant about, as he was no longer a party), the landlord had a duty to ensure that the house met the

repairing standard in any future tenancies. It noted, however, that on moving in, the new tenant appeared to have accepted the bath as it was. The tribunal also noted that the bath was still capable of being used for its primary function without the handles in place. It therefore determined that, on the balance of probabilities, the bath was in a reasonable state of repair and in proper working order.

8. *Defective WC system*

63. When tested by the tribunal at its initial inspection, the WC appeared to be operating correctly. When flushed, the flush was operational and the cistern filled up again. The tribunal therefore determined that, at the date of its initial inspection, the WC system was in a reasonable state of repair and in proper working order.

9. *Wash hand basin defective (plug)*

64. At its initial inspection, the tribunal observed that the plug on the wash hand basin failed to come back up when the plunger was pushed down. Mr Boparai told the tribunal at the continued hearing that the plug had been repaired since then. The tribunal accepted his evidence, and noted that this was a relatively minor repairing standard issue. It therefore determined that, on the balance of probabilities, the plug was now in a reasonable state of repair and in proper working order.

10. *Tap unit wash hand basin loose*

65. At its initial inspection, the tribunal observed that the tap unit on the wash hand basin was loose and when pressure was put on it, it was observed to move around. Mr Boparai told the tribunal at the continued hearing that the tap unit had only moved when someone tried to move it around, and said that it had now been tightened up. The tribunal accepted his evidence, and noted that this was a relatively minor repairing standard issue. It therefore determined that, on the balance of probabilities, the tap was now in a reasonable state of repair and in proper working order.

11. *Wash hand basin loose and seal defective*

66. At its initial inspection, the tribunal observed that the wash hand basin moved slightly when pushed, and that the seal around it was slightly loose on the left hand side. Mr Boparai told the tribunal at the continued hearing that the seal had now been fixed. The tribunal considered that, while the wash hand basin moved slightly when pushed, this did not in itself mean that it was not in a reasonable state of repair and in proper working order. It also considered that the slightly loose seal, which Mr Boparai said had now been fixed, was a relatively minor issue, which also did not in itself mean that the basin was not in a reasonable state of repair and in

proper working order. It therefore determined that the wash hand basin and the seal were in a reasonable state of repair and in proper working order.

12. Bathroom skirting and bath panel loose and defective

67. At its initial inspection, the tribunal observed that the bathroom skirting was slightly loose under the wash hand basin, and that the bath panel was slightly loose. Mr Boparai said at the continued hearing that the bath panel was screwed on at each end, but had no support in the middle. He said that this generally the case with bath panels. The tribunal accepted this contention. While both the bath panel and the skirting were slightly loose, it determined that both of these items were in a reasonable state of repair and in proper working order.

13. No current gas safety certificate

68. The landlord had provided the tribunal with a copy gas safety certificate produced by a registered Gas Safe engineer in respect of the house dated 16 June 2016, with its written representations received on 15 November 2016. While this did identify one defect with the meter bonding, the certificate showed that the gas installation and appliances within the house were in a satisfactory condition, and were safe to use. The tribunal was therefore satisfied that the gas installation and appliances in the house were in a satisfactory state of repair and in proper working order.

14. Oven not secure

69. At its initial inspection, the tribunal observed that the oven appeared to be securely fixed, although the hob moved slightly when pressure was put on it. As it was unable to hear evidence from the tenant on this point, the tribunal made the inference that the tenant's complaint was about the hob. Mr Boparai told the tribunal at the continued hearing that the hob had now been secured. The tribunal accepted his evidence on this point, and determined that, on the balance of probabilities, the hob was in a satisfactory state of repair and in proper working order.

15. No kick plates (kitchen)

70. At its initial inspection, the tribunal observed that there were no kick plates under any of the kitchen units. Mr Boparai told the tribunal at the continued hearing that there had never been any kick plates in place since the landlord had owned the house, and that they had not been in place when the tenant had moved into the house. He said that he had previously tried to purchase kick plates, but that the kitchen units had been discontinued, and he was unable to obtain these. As it was unable to hear evidence from the tenant on this point, the tribunal accepted his evidence that the kick plates had never been in place. The tribunal therefore

determined that the kitchen units were in a reasonable state of repair and proper working order regardless of the absence of any kick plates.

16. Work top at kitchen sink loose (kitchen)

71. The tribunal observed at its initial inspection that the work top at the kitchen sink was not loose, but the sink itself appeared to be slightly loose. Mr Boparai told the tribunal at the continued hearing that he did not think this was a repairs issue, but that the sink had been sealed with silicone since the inspection. The tribunal accepted his evidence on this point, and determined that, while the sink had been slightly loose, it was in a satisfactory state of repair and in proper working order.

17. Work top/wall junction open jointed

72. While it was not entirely clear from the tenant's application what this complaint concerned, the tribunal observed at its initial inspection that the only joint between the work top and the kitchen wall was slightly loose, and there were signs of water ingress through this. Mr Boparai said at the continued hearing that he did not view this as a disrepair issue, but had now applied silicone to the joint. He said that the water ingress appeared to have resulted from the tenant having poured water over it. The tribunal accepts that, given its location in the kitchen, water ingress through the joint would not normally be expected to be an issue. The tribunal determined that, while the joint had been slightly loose, it was in a satisfactory state of repair and in proper working order.

18. Cornerstones broken and fully detached (kitchen)

73. The tribunal observed at its initial inspection that the cornerstones appeared to be in good order. Mr Boparai told the tribunal at both its initial inspection and the continued hearing that these had kicked out by the tenant, but had now been repaired. The tribunal determined that, at the date of its initial inspection, the cornerstones were in a satisfactory state of repair and in proper working order.

19. Window sill/wall at sink open jointed and sill loose (kitchen)

74. The tribunal observed at its initial inspection that the window sill in the kitchen was loose when pressure was applied to it. Mr Boparai told the tribunal at the continued hearing that the window sill had now been secured. The tribunal accepted his evidence on this point, and determined that, on the balance of probabilities, the window sill was in a satisfactory state of repair and in proper working order.

20. Boiler cupboard broken and defective (kitchen)

75. The tribunal observed at its initial inspection that the top door of the kitchen cupboard housing the boiler was missing. Mr Boparai told the tribunal at both its initial inspection and the continued hearing that this had been removed by the tenant. He said at the continued hearing that the door had been replaced, albeit with a door that was slightly too big, as the kitchen units had been discontinued. The tribunal accepted his evidence on this point, and determined that, on the balance of probabilities, the boiler cupboard was in a satisfactory state of repair and in proper working order.

21. Back porch wall and roof plaster broken in several places

76. While it was not entirely clear from the tenant's application what this complaint concerned, the tribunal observed at its initial inspection that there was a hole in the ceiling of the cupboard in the porch. Mr Boparai told the tribunal at the continued hearing that this had now been repaired. The tribunal did not consider that this was a repairing standard issue in any case.

22. Light fitting and switch defective (back porch)

77. The tribunal observed at its initial inspection that the light fitting in the back porch had been replaced, and the switch was operational. Mr Boparai told the tribunal that the light pendant had been pulled out from the ceiling by the tenant, but had since been reattached. No issues were raised regarding the light fitting or the switch in the EICR dated 7 April 2017. The tribunal determined that the light fitting and switch were in a reasonable state of repair and in proper working order.

23. Wiring not secure x 2 (back porch)

78. The tribunal observed at its initial inspection that the wiring in the back porch appeared to be operational. There were no obvious issues with this, and no issues were raised regarding the light fitting or the switch in the EICR dated 7 April 2017. The tribunal determined that the wiring was in a reasonable state of repair and in proper working order.

24. Accumulation of refuse from former tenant in several places

79. The tribunal observed at its initial inspection that there were no signs of accumulated refuse within the property. Mr Boparai told the tribunal that the refuse referred to had been in the loft only, that some of it had belonged to tenant, and that it had been cleared out. The tribunal did not consider that there was a repairing standard issue to be considered in relation to this complaint.

25. Bedroom 2nd left ceiling rose detached

80. The tribunal observed at its initial inspection that the ceiling rose in this bedroom was in place. It therefore determined that the ceiling rose was in a reasonable state of repair and in proper working order as at the date of its initial inspection.

26. No hard-wired smoke detectors

81. The tribunal observed at its initial inspection that there were smoke detectors in both the upstairs and downstairs hallways, which appeared to be hard wired and interlinked. There was a heat alarm in the kitchen. There was, however, no smoke detector in the living room. The tribunal drew Mr Boparai's attention to this matter at the initial hearing, pointing out that this did not comply with the statutory guidance.
82. At its second inspection on 12 April 2017, the tribunal observed that a hard wired smoke detector had now been installed in the living room. The tribunal therefore determined that, as at the date of the second inspection, the house had satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

27. No carbon monoxide detector

- i.
83. The tribunal observed at its initial inspection that there was a carbon monoxide detector in the kitchen. It noted from the gas safety certificate dated 16 June 2016 that the only two gas appliances in the house were the boiler and the hob, both of which are situated in the kitchen. It therefore determined that the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

Summary of decision

84. The tribunal determines that the landlord has failed to comply with the duty imposed by Section 14 (1) (b) of the Act, and in particular that the landlord has failed to ensure that the house meets the repairing standard in that the house is not wind and watertight and in all other respects reasonably fit for human habitation.
85. The tribunal therefore makes a Repairing Standard Enforcement Order (RSEO) as required by section 24 (2) of the Act.

Rights of Appeal

86. 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.

87. 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.

S O'Neill

Signed...

Date... 1/5/17

Sarah O'Neill, Chairperson

APPROVED
CONTRACTOR

DOMESTIC ELECTRICAL INSTALLATION PERIODIC INSPECTION REPORT (FOR A SINGLE DWELLING)

Issued in accordance with British Standard 7671 - Requirements for Electrical Installations by an Approved Contractor or Contracting Body enrolled with NICEIC, Warwick House, Houghton Hall Park, Houghton Regis, Dunstable LU5 5ZX.

This is the Electrical Installation Condition Report (EICR) dated 7 April 2017. It is the property owner's decision to accept or reject the findings of this report.

This report is not valid if the serial number has been defaced or altered.
Dated 4 May 2017.
DPN4/ 0784496

A DETAILS OF THE CLIENT

Client/Address: HOMES XOTLAND LETTING LTD
17 KING ST
PA24 53A

B ADDRESS AND DETAILS OF THE INSTALLATION

Address: 1 ESSEX ROAD
GREENOCK
PA16 003

Estimated age of the electrical installation: 50 years

Evidence of alterations or additions: ☒ If yes, estimated age: 5 years

Date of previous inspection: NONE Electrical Installation Certificate number or previous Periodic Inspection Report number: NONE

Records of installation available: NONE Records held by: NONE

C PURPOSE OF THE REPORT

Purpose for which this report is required: SCHEDULED VISIT

† (See note below)

D EXTENT OF THE INSTALLATION AND LIMITATIONS OF THE INSPECTION AND TESTING

† (see note below)

Extent of the electrical installation covered by this report: A full inspection of the electrical installation was carried out. The inspection was limited to the areas accessible to the inspector. The inspection was carried out in accordance with BS 7671:2011.

Limitations of the inspection and testing: The inspection was limited to the areas accessible to the inspector. The inspection was carried out in accordance with BS 7671:2011.

Agreed limitations (including the reasons, if any, on the inspection and testing): NONE

E PARTICULARS OF THE APPROVED CONTRACTOR

Trading Title:

Address:



Barfilian House, Barfilian Drive, Glasgow, G62 1BD

0141 882 2882

www.neselectrical.com

Postcode:

NICEIC Enrollment No (Essential information): 043588

Branch No: (if applicable)

F DECLARATION

I/We, being the person(s) responsible for the inspection and testing of the electrical installation (as indicated by my/our signatures below), particulars of which are described above (see B), having exercised reasonable skill and care when carrying out the inspection and testing, hereby declare that the information in this report, including the observations (see G) and the attached schedules (see K and L), provides an accurate assessment of the condition of the electrical installation taking into account the stated extent of the installation and the limitations of the inspection and testing (see D).
I/We further declare that in my/our judgement, the said installation was overall in condition (see H) at the time the inspection was carried out, and that it should be further inspected as recommended (see I).

INSPECTION, TESTING AND ASSESSMENT BY:

Signature:

Name: (CAPITALS) AD DUNN

Position: QUALIFIED SUPERVISOR

Date: 7-4-17

REPORT REVIEWED AND CONFIRMED BY: * See note below

Signature:

Name: (CAPITALS) AD DUNN

(Registered Qualified Supervisor for the Approved Contractor at E)

Date: 7-4-17

This Domestic Periodic Inspection Report must be used only for reporting on the condition of an existing installation.
The inspection and testing have been carried out in accordance with BS 7671, as amended. Cables concealed within trunking and conduits or cables and conduits concealed under floors, in inaccessible roof spaces and generally within the fabric of the building or underground, have not been visually inspected.
This Domestic Periodic Inspection Report should be reviewed and confirmed by the registered Qualified Supervisor of the Approved Contractor responsible for issuing it.
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Please see the Notes for Recipients on the reverse of this page.



APPROVED
CONTRACTOR

DOMESTIC ELECTRICAL INSTALLATION PERIODIC INSPECTION REPORT (FOR A SINGLE DWELLING)

G OBSERVATIONS AND RECOMMENDATIONS FOR ACTIONS TO BE TAKEN

Referring to the attached schedules of inspection and test results, and subject to the limitations at D:

There are no items adversely affecting electrical safety.
OR

The following observations and recommendations are made.

Item No. Code [†]

1 NEUTRALS AND CPC'S IN CONSUMER UNIT NOT IN SEQUENCE 3

2 NO DANGER LABELS 3

3 NO WARNING NOTICES IN MIXED WIRING COLOURS 3

Additional observation lines (empty).

Note: If necessary, continue on additional page(s), which must be identified by the Domestic Periodic Inspection Report serial number and page number(s).

- Where observations are made, the inspector will have entered one of the following codes against each observation to indicate the action (if any) recommended:-
1. 'requires urgent attention' or
 2. 'requires improvement' or
 3. 'requires further investigation' or
 4. 'does not comply with BS 7671: (as amended)'

Please see the reverse of this page for guidance regarding the recommendations.

Urgent remedial work recommended for items:

N/A

Corrective action(s) recommended for items:

1, 2 + 3

This report is not valid
if the serial number has
been defaced or altered

DPN4/

0784495

H SUMMARY OF THE INSPECTION

General condition of the installation:

THE GENERAL CONDITION IS
OF A SATISFACTORY
CONDITION

Note: If necessary, continue on additional page(s), which must be identified by the Domestic Periodic Inspection Report serial number and page number(s).

Date(s) of the inspection: 7-4-17

Overall assessment of the installation:

(Entry should read either 'Satisfactory' or 'Unsatisfactory')

I NEXT INSPECTION

I/We recommend that this installation is further inspected and tested after an interval of not more than:

10 YEARS

(Enter interval in terms of years or months, as appropriate)

provided that any items at G which have been attributed a Recommendation Code 1 (requires urgent attention) and Code 2 (requires improvement) are remedied without delay and as soon as possible respectively. Items which have been attributed a Recommendation Code 3 should be actioned as soon as practicable (see G).

Please see the Notes for Recipients on the reverse of this page.

Page 2 of 4

APPROVED
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DOMESTIC ELECTRICAL INSTALLATION PERIODIC INSPECTION REPORT (FOR A SINGLE DWELLING)

This report is not valid if the serial number has been defaced or altered

DPN4/ 0784496

1 SUPPLY CHARACTERISTICS		No. and type of live conductors (✓)		System (✓)		Characteristics of Primary Supply Overcurrent Protective Devices		Main Switch or Circuit-Breaker		Means of Earthing		Earthing and Protective Bonding Conductors	
Supply Characteristics	Nominal voltage: U_n V	1-phase (2wire)	✓	BSIEN	OFF	Type: BSIEN	63A 1-3	Voltage rating	230 V	Distributor's facility: ✓	Installation earth electrode: ✓	Conductor material	Copper
1-phase (2wire)	✓	2-phase (3wire)	✓	BSIEN	OFF	No. of Poles	2	Rated current I_n	100 A	Type: (leg rod(s), tape etc)	✓	Conductor csa	16 mm ²
2-phase (3wire)	✓	3-phase (3wire)	✓	BSIEN	OFF	Supply conductors material	Copper	RCD operating current $I_{\Delta n}$	N/A	Electrode resistance, R_a	✓	Conductor csa	10 mm ²
3-phase (3wire)	✓	4-phase (4wire)	✓	BSIEN	OFF	Supply conductors csa	16 mm ²	RCD operating time (at $I_{\Delta n}$)	N/A ms	Location: ✓	Method of measurement: ✓	Continuity check	✓
External earth fault loop impedance, Z_s	0.51 Ω	Other (please state)										Bonding of extraneous-conductive parts (✓)	✓
Notes	(1) By enquiry, (2) By enquiry or by measurement (3) By measurement											Water service	✓
												Gas service	✓
												Structural steel	✓
												Other incoming services	✓

Original (To the person ordering the work)

2 SCHEDULE OF ITEMS INSPECTED		See note below		Additional protection		Cables and conductors (cont)		2 SCHEDULE OF ITEMS TESTED	
Protective measures against electric shock				✓ Presence of residual current device(s)		Routing of cables in prescribed zones		✓ External earth fault loop impedance, Z_s	
Basic and fault protection				✓ Presence of supplementary bonding conductors		Cables incorporating earthed armour or sheath or run in an earthed wiring system, or otherwise protected against nails, screws and the like		✓ Installation earth electrode resistance, R_a	
Extra low voltage		SELV		Prevention of mutual detrimental influence		Additional protection by 30mA RCD (where required, in premises not under the supervision of skilled or instructed persons)		✓ Continuity of protective conductors	
Double or reinforced insulation				Proximity of non-electrical services and other influences		Connection of conductors		✓ Continuity of ring final circuit conductors	
Basic protection		✓		Segregation of Band I and Band II circuits or Band II insulation used		Presence of fire barriers, suitable seals and protection against thermal effects		✓ Insulation resistance between live conductors and earth	
Insulation of live parts		✓ Barriers or enclosures		Segregation of safety circuits		General		✓ Insulation resistance between live conductors and earth	
Fault protection				Identification		Presence and correct location of appropriate devices for isolation and switching		✓ Polarity	
Automatic disconnection of supply				Presence of diagrams, instructions, circuit charts and similar information		Adequacy of access to switchgear and other equipment		✓ Earth fault loop impedance, Z_s	
Presence of earthing conductor				Presence of danger notices		Particular protective measures for special installations and locations		✓ Verification of phase sequence	
Presence of circuit protective conductors				Presence of other warning notices, including presence of mixed wiring colours		Connection of single-pole devices for protection or switching in line conductors only		✓ Operation of residual current device(s)	
Presence of main protective bonding conductors				Labelling of protective devices, switches and terminals		Correct connection of accessories and equipment		✓ Functional testing of assemblies	
Choice and setting of protective devices (for fault protection and/or overcurrent)				Identification of conductors		Selection of equipment and protective measures appropriate to external influences		✓ Verification of voltage drop	
Electrical separation				Cables and conductors		Selection of appropriate functional switching devices			
For one item of current-using equipment				Selection of conductors for current carrying capacity and voltage drop					
				Erection methods					

See note below

All tests must be completed. '✓' indicates that an inspection or a test was carried out and that the result was satisfactory. 'X' indicates that an inspection or a test was carried out and that the result was unsatisfactory. 'N/A' indicates that an inspection or a test was not applicable to the particular installation. 'U' indicates that a limitation applies with the person making the test, as recorded in Section D) provided the inspection or test being carried out. This form is based on the unaltered Periodic Inspection Report system in Appendix 6 of BS 7671:2008. Published by NICEIC Group Limited © Copyright The Electrical Safety Council (Jan 2008)

[illegible]

ELECTRICAL INSTALLATION CONDITION REPORT

Certificate number: Registration number:

(optional)

Sheet of

SECTION A: DETAILS OF THE CLIENT / PERSON ORDERING THE REPORT

Name Address

SECTION B: REASON FOR PRODUCING THIS REPORT

Date(s) on which inspection and testing was carried out

SECTION C: DETAILS OF THE INSTALLATION WHICH IS THE SUBJECT OF THIS REPORT

Occupier Address

Description of premises (tick as appropriate)

Domestic ☒Commercial ☐Industrial ☐Other (include brief description) Estimated age of wiring system years

Evidence of additions / alterations

Yes ☒No ☐Not apparent ☐If yes, estimate age years

Installation records available? (Regulation 621.1)

Yes ☐No ☒Date of last inspection

(date)

SECTION D: EXTENT AND LIMITATIONS OF INSPECTION AND TESTING

Extent of electrical installation covered by this report Agreed limitations including the reasons (see Regulation 634.2) Agreed with: Operational limitations including the reasons (see page no.)

The inspection and testing detailed in this report and accompanying schedules have been carried out in accordance with BS 7671:2008 (IET Wiring Regulations) as amended to

It should be noted that cables concealed within trunking and conduits, under floors, in roof spaces and generally within the fabric of the building or underground, have NOT been inspected unless specifically agreed between the client and inspector prior to inspection

SECTION E: SUMMARY OF THE CONDITION OF THE INSTALLATION

General condition of the installation (in terms of electrical safety)

Overall assessment of the installation in terms of its suitability for continued use SATISFACTORY / UNSATISFACTORY * (delete as appropriate)

* An unsatisfactory assessment indicates that dangerous (code C1) and/or potentially dangerous (code C2) conditions have been identified.

SECTION F: RECOMMENDATIONS

Where the overall assessment of the suitability of the installation for continued use above is stated as UNSATISFACTORY, I/we recommend that any observations classed as 'Danger present' (code C1) or 'Potentially dangerous' (code C2) are acted upon as a matter of urgency. Investigation without delay is recommended for observations identified as 'Further investigation required'. Observations classified as 'Improvements recommended' (code C3) should be given due consideration. Subject to the necessary remedial action being taken, I/we recommend that the installation is further inspected and tested by (date).

SECTION G: DECLARATION

I/We being the person(s) responsible for the inspection and testing of the electrical installation (as indicated by my/our signatures below), particulars of which are described above, having exercised reasonable skill and care when carrying out the inspection and testing, hereby declare that the information in this report, including the observations and the attached schedules, provides an accurate assessment of the condition of the electrical installation taking into account the stated extent and limitations in Section D of this report.

Inspected and tested by:

Name (CAPITALS): Signature: For/on behalf of: Position: Address: Date:

Report authorised for issue by:

Name (CAPITALS): Signature: For/on behalf of: Position: Address: Date:

SECTION H: SCHEDULE(S)

schedule(s) of inspection and
and this report is valid only when they are attached to it

schedule(s) of test results are attached. The attached schedule(s) are part of this document

This is the Electrical Installation Condition Report (EICR) dated 2/12/16 relating to the foregoing decision dated 1 May 2017
S O'Neill, Chairman

ELECTRICAL INSTALLATION CONDITION REPORT

Sheet of

SECTION I: SUPPLY CHARACTERISTICS AND EARTHING ARRANGEMENTS

Earthing arrangements	Number and type of live conductors	Nature and type of supply parameters	Supply protective device
TN-C <input type="checkbox"/>	a.c. <input checked="" type="checkbox"/> d.c. <input type="checkbox"/>	Nominal voltage, U / U_0 <u>230</u> V	BS (EN) <u>50</u>
TN-S <input type="checkbox"/>	1-phase, 2 wire <input type="checkbox"/> 2-wire <input type="checkbox"/>	Nominal frequency, f <u>50</u> Hz	Type <u>1.19</u> kA
TN-C-S <input checked="" type="checkbox"/>	2-phase, 3 wire <input type="checkbox"/> 3-wire <input type="checkbox"/>	Prospective fault current, I_{pf} <u>194</u> A	Rated current <u>60</u> A
TT <input type="checkbox"/>	3-phase, 3 wire <input type="checkbox"/>	External loop impedance, Z_e <u>194</u> Ω	
IT <input type="checkbox"/>	3-phase, 4 wire <input type="checkbox"/>	Note (1) by enquiry; (2) by enquiry or measurement	
	Confirmation of supply polarity <input type="checkbox"/>		

Other sources of supply (as detailed on attached schedule) ☐

SECTION J: PARTICULARS OF INSTALLATION REFERRED TO IN REPORT

Means of earthing	Details of Earth Electrode (where applicable)
Distributor's facility <input checked="" type="checkbox"/> Type <u>.....</u>	
Installation earth electrode <input type="checkbox"/> Location <u>.....</u>	
<input type="checkbox"/> Resistance to earth <u>.....</u> Ω	

Main protective conductors

Earthing conductor	Material <u>COPPER</u>	Csa <u>16</u> mm ²	Connection/continuity verified <input checked="" type="checkbox"/>
Main protective bonding conductors	Material <u>COPPER</u>	Csa <u>6</u> mm ²	Connection/continuity verified <input type="checkbox"/>
To incoming water service <input checked="" type="checkbox"/>	To incoming gas service <input checked="" type="checkbox"/>	To incoming oil service <input type="checkbox"/>	To structural steel <input type="checkbox"/>
To lightning protection <input type="checkbox"/>	To other incoming service(s) <input type="checkbox"/>	Specify <u>.....</u>	

Main switch / switch fuse / circuit breaker / RCD

Location <u>HALL CUPBOARD</u>	Current rating <u>100</u> A	If RCD main switch <input checked="" type="checkbox"/>
	Fuse / device rating or setting <u>.....</u> A	Rated residual operating current ($I_{\Delta n}$) <u>30</u> mA
BS (EN) <u>5419</u>	Voltage rating <u>230</u> V	Rated time delay <u>.....</u> ms
No. of poles <u>2</u>		Measured operating time (at $I_{\Delta n}$) <u>.....</u> ms

SECTION K: OBSERVATIONS

Referring to the attached schedules of inspection and test results, and subject to the limitations specified in the *Extent and Limitations of Inspection and testing section*

No remedial action is required ☐ The following observations are made: ☒ (See below)

Observation(s)	Classification code	Further investigation required (YES/NO)
NO RCD / RCBO PROTECTION ON ANY CIRCUITS	C2	NO
RIGGED / TAMPERED METER	C1	YES
VERY HIGH Z_e VALUE	C1	
3 PHASE CABLE HEAD SUPPLYING NEIGHBOUR'S PROPERTY	C2	

One of the following codes, as appropriate, has been allocated to each of the observations made to indicate to the person(s) responsible for the installation the degree of urgency of remedial action required.

- C1 - Danger present Risk of injury Immediate remedial action required
- C2 - Potentially dangerous Urgent remedial action required
- C3 - Improvement recommended

Use additional form if required

CONDITION REPORT INSPECTION SCHEDULE

Sheet of

NOTE: This form is suitable for many types of smaller installations not exclusively domestic

OUTCOMES Acceptable condition ✓ Unacceptable condition State C1 or C2 Improvement recommended State C3 Not verified NV Limitation Ltm Not applicable N/A

Item no	Description	Outcome (Use codes above, provide additional comment where appropriate. C1, C2 and C3 coded items to be recorded in Section K of the Condition Report)	Further investigation required? (YES / NO)
1.0	DISTRIBUTOR'S / SUPPLY INTAKE EQUIPMENT		
1.1	Service cable condition	✓	
1.2	Condition of service head	✓	
1.3	Condition of tails – distributor	✓	
1.4	Condition of tails – consumer	✓	
1.5	Condition of metering equipment	✓	
1.6	Condition of isolator (where present)	NA	YES
2.0	PRESENCE OF ADEQUATE ARRANGEMENTS FOR SECONDARY OR ALTERNATIVE SOURCES SUCH AS MICROGENERATORS (551.6; 551.7)		
3.0	EARTHING / BONDING ARRANGEMENTS (411.3; chap 54)		
3.1	Presence and condition of distributor's earthing arrangement (542.1.2.1; 542.1.2.2)	✓	
3.2	Presence and condition of earth electrode where applicable (542.1.2.3)	NA	
3.3	Provision of earthing / bonding labels at all appropriate locations (514.13.1)	✓	
3.4	Confirmation of earthing conductor size (542.3; 543.1.1)	✓	
3.5	Accessibility and condition of earthing conductor at MET (543.3.2)	✓	
3.6	Confirmation of main protective bonding conductor sizes (544.1)	✓	
3.7	Condition and accessibility of main protective bonding conductor connections (543.3.2; 544.1.2)	✓	
3.8	Accessibility and condition of all protective bonding connections (543.3.2)	✓	
4.0	CONSUMER UNIT(S) / DISTRIBUTION BOARD(S)		
4.1	Adequacy of working space / accessibility to consumer unit / distribution board (132.12; 513.1)	✓	
4.2	Security of fixing (134.1.1)	C3	YES
4.3	Condition of enclosure(s) in terms of IP rating etc (416.2)	✓	
4.4	Condition of enclosure(s) in terms of fire rating etc (526.5)	✓	
4.5	Enclosure not damaged / deteriorated so as to impair safety (621.2 iii)	✓	
4.6	Presence of main linked switch (as required by 537.1.4)	✓	
4.7	Operation of main switch (functional check) (612.13.2)	✓	
4.8	Manual operation of circuit-breakers and RCDs to prove disconnection (612.13.2)	✓	
4.9	Correct identification of circuit details and protective devices (514.8.1; 514.9.1)	✓	
4.10	Presence of RCD quarterly test notice present at or near consumer unit / distribution board (514.12.2)	C2	
4.11	Presence of non-standard (mixed) cable colour warning notice at or near consumer unit / distribution board (514.14)	C2	
4.12	Presence of alternative supply warning notice at or near consumer unit / distribution board (514.15)	NA	
4.13	Presence of other required labelling (please specify) (Section 514)	NA C3	
4.14	Examination of protective device(s) and base(s): correct type and rating (no signs of unacceptable thermal damage, arcing or overheating) (421.1.3)	✓	
4.15	Single-pole protective devices in line conductor only (132.14.1; 530.3.2)	✓	
4.16	Protection against mechanical damage where cables enter consumer unit / distribution board (522.8.1; 522.8.11)	✓	
4.17	Protection against electromagnetic effects where cables enter consumer unit / distribution board / enclosures (521.5.1)	✓	
4.18	RCD(s) provided for fault protection – includes RCBOs (411.4.9; 411.5.2; 531.2)	C2	
4.19	RCD(s) provided for additional protection – includes RCBOs (411.3.3; 415.1)	C2	

OUTCOMES Acceptable condition ✓ Unacceptable condition State C1 or C2 Improvement recommended State C3 Not verified NV Limitation Lim Not applicable N/A

Item no	Description	Outcome (Use codes above, provide additional comment where appropriate C1, C2 and C3 coded items to be recorded in Section K of the Condition Report)	Further investigation required? (YES / NO)
5.0	FINAL CIRCUITS		
5.1	Identification of conductors (514.3.1)	NV ✓	
5.2	Cables correctly supported throughout their run (522.8.5)	NV ✓	
5.3	Condition of insulation of live parts (416.1)	NV ✓	
5.4	Non-sheathed cables protected by enclosure in conduit, duct or trunking (521.10.1) • To include the integrity of conduit and trunking systems (metallic and plastic)	NV ✓	
5.5	Adequacy of cables for current-carrying capacity with regard for the type and nature of installation (Section 523)	✓	
5.6	Co-ordination between conductors and overload protective devices (433.1; 533.2.1)	✓	
5.7	Adequacy of protective devices: type and rated current for fault protection (411.3)	✓	
5.8	Presence and adequacy of circuit protective conductors (411.3.1.1; Section 543.1)	✓	
5.9	Wiring system(s) appropriate for the type and nature of the installation and external influences (Section 522)	✓	
5.10	Concealed cables installed in prescribed zones (see Section D: Extent and limitations) (522.6.101)	NV ✓	
5.11	Concealed cables incorporating earthed armour or sheath, or run within earthed wiring system, or otherwise protected against mechanical damage from nails, screws and the like (see Section D: Extent and limitations) (522.6.101; 522.6.103)	NV	
5.12	Provision of additional protection by RCD not exceeding 30 mA: • For all socket-outlets of rating 20 A or less provided for use by ordinary persons unless an exception is permitted (411.3.3) • For supply to mobile equipment not exceeding 32 A rating for use outdoors (411.3.3) • For cables concealed in walls or partitions (522.6.102; 522.6.103)	C2 " " "	
5.13	Provision of fire barriers, sealing arrangements and protection against thermal effects (Section 527)	✓	
5.14	Band II cables segregated / separated from Band I cables (528.1)	NA	
5.15	Cables segregated / separated from communications cabling (528.2)	NA	
5.16	Cables segregated / separated from non-electrical services (528.3)	N/A	
5.17	Termination of cables at enclosures - indicate extent of sampling in Section D of the report (Section 526) • Connections soundly made and under no undue strain (526.6) • No basic insulation of a conductor visible outside enclosure (526.8) • Connections of live conductors adequately enclosed (526.5) • Adequately connected at point of entry to enclosure (glands, bushes, etc.) (522.8.5)	✓ ✓ ✓ ✓ ✓	
5.18	Condition of accessories including socket-outlets, switches and joint boxes (621.2(iii))	✓	
5.19	Suitability of accessories for external influences (512.2)	✓	
6.0	LOCATION(S) CONTAINING A BATH OR SHOWER		
6.1	Additional protection for all low voltage (LV) circuits by RCD not exceeding 30 mA (701.411.3.3)	C2	
6.2	Where used as a protective measure, requirements for SELV or PELV met (701.414.4.5)	NA	
6.3	Shaver sockets comply with BS EN 61558-2-5 formerly BS 3535 (701.512.3)	NA	
6.4	Presence of supplementary bonding conductors, unless not required by BS 7671:2008 (701.415.2)	NA	
6.5	Low voltage (e.g. 230 volts) socket-outlets sited at least 3 m from zone 1 (701.512.3)	NA	
6.6	Suitability of equipment for external influences for installed location in terms of IP rating (701.512.2)	NA ✓	
6.7	Suitability of equipment for installation in a particular zone (701.512.3)	NA ✓	
6.8	Suitability of current-using equipment for a particular position within the location (701.55)	✓	
7.0	OTHER PART 7 SPECIAL INSTALLATIONS OR LOCATIONS		
7.1	List all other special installations or locations present, if any (record separately the results of particular inspections applied).		

Tested by:

Name (CAPITALS) L. MACLAKEN

Signature

Date

02/12/16

SCHEDULE OF TEST RESULTS

Sheet ☐ of ☐

DB Reference no. <u>CONSUMER UNIT</u>	Details of circuits and/or installed equipment vulnerable to damage when testing	Details of test instruments used (state serial and/or asset numbers)
Location <u>HALL CORRIDOR</u>	Continuity	Continuity
Zs at DB (Ω) <u>194</u>	Insulation resistance	Insulation resistance
I _n at DB (kA) <u>1.19</u>	Earth fault loop impedance	Earth fault loop impedance
Correct polarity of supply confirmed <u>YES</u> / NO	RCD	RCD
Phase sequence confirmed (where appropriate)	Earth electrode resistance	Earth electrode resistance

Tested by: L. Macleod

Name (CAPITALS) L. Macleod

Signature [Signature] Date 2/12/16

Circuit details			Overcurrent device			Conductor details			Test results													Remarks (continue on a separate sheet if necessary)
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	
Circuit number	Circuit description	BS (EN)	Type	Rating (A)	Breaking capacity (kA)	Reference method	Live (mm ²)	cpc (mm ²)	r _s (line)	r _n (neutral)	r ₂ (cpc)	(R ₁ + R ₂) *	R ₂	Live - Live	Live - E	Polarity	Z _s (Ω)	@I _n	@5I _n	Test button operation		
1	SHOW	60898	B	32			6	4	0.31	0.31	0.48	0.1		>200	>200	✓	194					
2	Ring MAIN		B	32			25	15	0.36	0.35	0.51	0.3				✓	196					
3	Ring MAIN		B	32			25	15				0.1				✓	193					
4	NOT VERIFIED		B	16			15	10								✓	196					
5	LIGHTS + SMOKE		B	16			15	10								✓	196					
6	LIGHTS		B	16			15	10								✓	196					
7	NOT VERIFIED		B	16			15	10								✓	196					



LANDLORD/HOME OWNER GAS SAFETY RECORD
Safety Inspection and reporting carried out in accordance with the Gas Safety (Installation and Use) Regulations 1998.

DETAILS OF THE CONTRACTOR				DETAILS OF THE INSTALLATION				DETAILS OF THE CLIENT/LANDLORD			
Trading Title: KLL Building Contractors Address: 70 Osprey Road Palsley				Installation Address: Martin Allan 1 Essex Road Greenock				Client: Priya Properties Ltd Address: 1 Mansion Avenue Port Glasgow			
Gas Safe No: 566538 Post Code: PA3 2QH Telephone No: 07719 437150				Post Code: PA16 0JJ Telephone No:				Post Code: PA14 6QP Telephone No:			
APPLIANCE DETAILS											
Location		Appliance Type		Make		Model		Flue Type		Landlord's Appliance	
1	Kitchen	Central Heating Boiler	Vokera	Vision 25C	FL	Yes	Yes	Yes	Yes	Yes	Yes
2	Kitchen	Hob	HomeKing	HHG70ss-s	FL	Yes	Yes	Yes	Yes	Yes	Yes
3											
4											
INSPECTION DETAILS											
Combustion Analyser Reading		Operating Pressure In mbar or heat input in kW		Safety Devices(s) Correct Operation		Ventilation Provision Satisfactory		Visual Condition of Flue and Termination Satisfactory		Flue Performance Test	
1	0.0015	24.1kW	Yes	Yes	Yes	N/A	N/A	No	Yes	Approved CO alarm fitted	Is CO alarm in date
2	N/A	19.7mB	N/A	Yes	N/A	N/A	N/A	No	Yes	N/A	N/A
3									Yes	N/A	N/A
4											
DEFECT(S) IDENTIFIED											
1 meter bonding not to CU											
2											
3											
4											
REMEDIAL ACTION TAKEN											
reported to landlord											
NOTICE & LABEL ISSUED											
Yes											
Outcome of gas installation pipework visual inspection PASS Is the Emergency Control Valve access satisfactory YES Outcome of gas tightness test PASS											
Outcome of gas supply pipework visual inspection PASS Is the Protective Equipotential bonding satisfactory N/A NEXT INSPECTION DUE ON OR BEFORE: 15/06/2017											
SIGNATURES											
Report Issued By: Name: Kal Boparai Signed: [Signature]				Date Inspected: 15/06/2016 Gas ID No: 3695040							
Report Received By: Name: [Signature] Signed: [Signature]				Date Received: 16/6/16							

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Page: 1 of 1

This is the gas safety certificate dated 16/6/2016 referred to in the majority decision dated 1 May 2017.

S O'Neill

Chairperson.

SCHEDULE OF PHOTOGRAPHS

1 ESSEX ROAD, GREENOCK PA16 0JJ

REF: RP/16/0295 DATES: 17 NOV 2016, 12 APR 2017



FRONT ELEVATION



HIGH DAMP READINGS AT CHIMNEYBREAST OF FRONT BEDROOM (17/11/16)

This is the schedule of photographs referred to in the
foregoing decision dated 4 May 2017
S O'Neill

Chaperson



STAINING AND HIGH DAMP READINGS AT FRONT BEDROOM CHIMNEYBREAST (12/04/17)



STAINING AT FRONT BEDROOM CHIMNEYBREAST (12/04/17)



SECTION OF MISSING SKIRTING BOARD (BED 2ND LEFT)



CEILING ROSE (BED 2ND LEFT)



SMOKE ALARM – UPPER LANDING



SMOKE ALARM – GROUND FLOOR HALL



SMOKE ALARM AND HEAT DETECTOR – KITCHEN



SMOKE ALARM IN LIVING ROOM (12/04/17)



SHOWER



MISSING HANDLE AT BATH



MISSING HANDLE AT BATH



DEFECTIVE MECHANISM AT PLUG



LOOOSE TAP AT WASH HAND BASIN



INSECURE WASH HAND BASIN



LOOSE BATH PANEL



LOOSE HOB



NO KICK PLATES



LOOSE SINK TOP



DEFECTIVE JOINT—KITCHEN TOP



CUPBOARD AT KITCHEN SINK



LOOSE KITCHEN WINDOW SILL



MISSING DOOR AT BOILER CUPBOARD



REAR PORCH CEILING



DEFECTIVE PLASTER IN CUPBOARD OFF PORCH



LIGHT SWITCH – PORCH



EXTERNAL DRAINAGE PIPE FROM BATHROOM