

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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### **Repairing Standard Enforcement Order**

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

(Hereinafter referred to as "the tribunal")

**Case Reference Number: FTS/HPC/RT/17/0169**

**Re: Flat 1/2, 212 Langside Road, Glasgow G42 8XL ("the house")**

**Land Register Title No: GLA149770**

#### **The Parties:-**

**Glasgow City Council – DRS Housing and Regeneration Services, Samaritan House, 3<sup>rd</sup> floor, 79 Coplaw Street, Glasgow G42 7JG ("the third-party applicant")**

**Mr Pascu Dumitru Covaciu and Mrs Argentina Covaciu, residing at the house ("the tenants") (non-participating parties)**

**Mr Mohammed Shahbaz and Mrs Shaistah Shahbaz, 36 Corkerhill Gardens, Glasgow G52 1SE ("the landlords")**

**Tribunal Members – Sarah O'Neill (Chairing Member); Alex Hewton (Ordinary Member)**

**NOTICE TO: Mr Mohammed Shahbaz and Mrs Shaistah Shahbaz (the landlords)**

Whereas in terms of its decision dated 13 July 2017, the tribunal determined that the landlords had failed to comply with the duty imposed on them by Section 14 (1) (b) of the Act, and in particular that the landlords have failed to ensure that the house meets the repairing standard in that 1) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order and 2) the house does not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

The tribunal therefore makes a Repairing Standard Enforcement Order (RSEO) as required by section 24 (2) of the Act.

The tribunal now requires the landlords 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 landlords to:

1. Provide either

- a) a completed and signed checklist provided by the electrician who carried out the EICR dated 16 February 2017 certifying that he is competent to carry out an EICR, as required by Annex A (pages 12-13) of the statutory guidance issued by Scottish Ministers on electrical safety standards,<sup>1</sup> together with the evidence of competence listed in the checklist to support this. **Written confirmation should also be provided by the electrician that 1) the protective bonding to the Gas Installation has been checked and is working safely and 2) the earthing arrangement in the house is satisfactory.**

or

- b) an up to date Electrical Installation Condition Report in respect of the house by a suitably qualified and registered SELECT or NICEIC electrical contractor, or a member of NAPIT, showing that all electrical installations, fixtures and fittings and all appliances, and the protective equipotential bonding to the Gas Installation, have been checked and are working safely.
2. Provide 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 have been checked and are working safely.
3. Instruct a suitably qualified contractor to install a suitable carbon monoxide detector in the kitchen where the boiler is situated, in order that the detector is installed in accordance with the statutory guidance.

The tribunal orders that the works specified in this order must be carried out and completed within the period of **21 days** from the date of service of this notice.

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[https://www.housingandpropertychamber.scot/sites/default/files/hpc/SCOTTISH%20GOVERNMENT%20GUIDANCE%20ON%20ELECTRICAL%20INSTALLATIONS%20AND%20APPLIANCES%20IN%20PRIVATE%20RENTED%20PROPERTY%20-%20REVISED%20NOV%202016\\_0.pdf](https://www.housingandpropertychamber.scot/sites/default/files/hpc/SCOTTISH%20GOVERNMENT%20GUIDANCE%20ON%20ELECTRICAL%20INSTALLATIONS%20AND%20APPLIANCES%20IN%20PRIVATE%20RENTED%20PROPERTY%20-%20REVISED%20NOV%202016_0.pdf)

## 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 two preceding pages are signed by Sarah Frances O'Neill, solicitor, Chairing member of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the thirteenth day of July, Two Thousand and Seventeen before this witness –

<sup>n</sup>  
**Euan Barclay**

witness

**S O'Neill**

Chairing

member

Euan Barclay

name in full

4TH FLOOR, 1 ATLANTIC

address

QUAY, 45 ROBERTSON ST.

G2 8JB

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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### **Statement of Decision of 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: FTS/HPC/RT/17/0169**

**Re: Flat 1/2, 212 Langside Road, Glasgow G42 8XL (“the house”)**

**Land Register Title No: GLA149770**

#### **The Parties:-**

**Glasgow City Council – DRS Housing and Regeneration Services, Samaritan House, 3<sup>rd</sup> floor, 79 Coplaw Street, Glasgow G42 7JG (“the third-party applicant”)**

**Mr Pascu Dumitru Covaciu and Mrs Argentina Covaciu, residing at the house (“the tenants”) (non-participating parties)**

**Mr Mohammed Shahbaz and Mrs Shaistah Shahbaz, 36 Corkerhill Gardens, Glasgow G52 1SE (“the landlords”)**

**Tribunal Members – Sarah O’Neill (Chairing Member); Alex Hewton (Ordinary Member)**

#### **Decision**

The tribunal, having made such enquiries as it saw fit for the purposes of determining whether the landlords have complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 (“the Act”) in relation to the house, and taking account of all the available evidence, determines that the landlords have failed to comply with the duty imposed on them 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 26 April 2017, the third-party applicant applied to the tribunal for a determination that the landlords had failed to comply with their duties under Section 14(1) of the Act.
2. At the time the application was made, there were tenants, Mr Pascu Dumitru Covaciu and Mrs Argentina Covaciu, residing at the house. The third-party applicant indicated in the application that it had notified the tenants of its intention to make the application, but that they did not wish to be treated as a party to the application.
3. In its application, the third-party applicant stated that it believed the landlords had failed to comply with their duty to ensure that the property met the repairing standard as set out in section 13(1) (a) (c) (d) and (e) of the Act. Its application stated that the landlords 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
  - 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
4. The third-party applicant included the following complaints in its application form:
  1. No EICR has been produced.
  2. No gas safety certificate has been produced.
  3. There is no written confirmation that heat and smoke detectors have been installed according to statutory guidance.
  4. No CO monitor has been installed.
  5. The lounge window is broken.
5. The third-party applicant stated in its application that the following work required to be carried out at the house:
  1. An EICR and gas safety certificate must be provided which indicate that the associated installations are in a good state of repair- and if they are not, they should be replaced.
  2. A CO monitor should be installed.

3. The lounge window should be repaired.
6. On 4 May 2017, a Convener of the panel, with delegated powers under Section 96 of the Housing (Scotland) Act 2014, issued a minute of decision stating that she 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 she had considered the application paperwork submitted by the tenant, comprising documents received between 27 April 2017 and 3 May 2017; and intimating her decision to refer the application to a tribunal for determination.
7. The President of the panel wrote to the parties on 12 May 2017, 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 tribunal, and that an inspection and a hearing would take place on 27 June 2017. Written representations were requested by 2 June 2017.
8. On 15 May 2017, a reply form was received from the third party, confirming that it did not wish to send written representations and that it did not wish to attend a hearing. On 16 May and 17 May 2017, emails were received from John Dundas, Community Relations Officer with the third-party applicant, attaching emails from the landlords' agent, together with various attached documents relating to the house.
9. On 7 June 2017, the tribunal issued a direction to the landlords, noting that 1) the EICR dated 16 February 2017 which had been provided to the tribunal did not appear to have been provided by a registered SELECT or NICEIC contractor, or a member of NAPIT and 2) the gas safety certificate dated 22 January 2017 seen by the tribunal showed that the protective equipotential bonding was not satisfactory.
10. The tribunal therefore required the landlords to provide to the tribunal by 23 June 2017: 1) either a) a completed and signed checklist provided by the electrician who carried out the EICR certifying his competence to carry out an EICR as required in terms of the Scottish government's guidance or b) an up to date Electrical Installation Condition Report (EICR) in respect of the house by a suitably qualified and registered SELECT or NICEIC contractor, or a member of NAPIT, 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 installations and appliances, and the protective equipotential bonding, had been checked and were working safely.

11. On 19 June 2017, an email was received from the landlords' agent, attaching certificates supplied by Mr Garry O'Rourke, the electrician who carried out the EICR dated 16 February 2017. These were: 1) a craftsman's certificate from the Scottish Joint Industry Board for the Electrical Contracting Industry dated 6 February 2002, confirming that Mr O'Rourke had satisfactorily completed an approved apprenticeship and that his name had been put onto the Board's Register; and 2) a certificate from the same Board dated 3 October 2001 confirming that Mr O'Rourke had passed the Final Integrated Competence Assessment to a standard set by the Electrical Contracting Industry. In this email, the landlords' agent advised that it had also asked the electrician to check the bonding referred to on the gas safety certificate.

### **The inspection**

12. The tribunal inspected the house on the morning of 27 June 2017. The weather conditions at the time of the tribunal's inspection were dull and overcast. One of the tenants, Mrs Argentina Covaciu was present at the house during the inspection. The landlords were not present or represented at the inspection. Photographs were taken during the inspection, and these are attached as a schedule to this decision.

### **The house**

13. The house is a first floor flat within a three-storey and attic mid tenement block. It is in excess of 100 years old, and comprises: a hallway, lounge, two bedrooms, kitchen and bathroom.

### **The hearing**

14. Following the inspection, the tribunal held a hearing at Wellington House, 134-136 Wellington Street, Glasgow G2 2XL. The third-party applicant was not present or represented. The tribunal noted that the third-party applicant had indicated in its reply form dated 15 May 2017 that it did not wish to attend a hearing. Mr Mohammed Shahbaz, one of the joint landlords, was present and gave evidence on his own behalf.

### **The evidence**

15. The evidence before the tribunal consisted of:
- The application form completed by the third-party applicant.
  - Registers Direct copy of Land Register title GLA149770, which confirmed that the house is owned jointly by Mohammed Shahbaz and Shaistah Shahbaz

- Tenancy agreement between Mr Shahbaz and the tenants in respect of the house dated 9 May 2016, together with form AT5.
- Notification letters dated 16 March, 4 April and 3 May 2017 from John Dundas, Community Relations Officer with the third-party applicant to Mr Shahbaz, setting out the repairs alleged to be required, together with certificate of posting and proof of delivery in respect of the first two letters, and confirmation that the third letter was hand delivered to Property Zone, the landlords' letting agent.
- Copy letter from Mr Dundas to Mr Shahbaz dated 15 February 2017, requesting access for an inspection of the house to assess whether it met the repairing standard.
- 'Landlord summary' by the third-party applicant, setting out action taken in respect of the house, together with housing benefit information regarding the tenants.
- Email from Mr Dundas dated 16 May 2017, enclosing an email received from the landlord's agent, together with copies of a gas safety certificate dated 22 January 2017, an Electrical Installation Condition Report dated 16 February 2017, an Energy Performance Certificate, and information from a Tenant Information Pack, all relating to the house.
- Email from Mr Dundas dated 17 May 2017, copying an email received from the landlord's agent, together with a copy of a Minor Electrical Installation Works Certificate dated 15 February 2017.
- Copy certificates supplied by Garry O'Rourke, as described in more detail at paragraph 11 of this decision.
- The tribunal's inspection of the property.
- The oral representations of Mr Shahbaz, one of the joint landlords, at the hearing.

### **Summary of the issues**

16. 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 landlords had complied with the duty imposed on them by section 14 (1) (b).

### **Findings of fact**

17. The tribunal made the following findings in fact:

- The tenants entered into a tenancy agreement with the landlords on 9 May 2016 to rent the house for six months from that date. The tenants were still resident at the house as at the date of the tribunal's inspection.
- The house is owned jointly by Mohammed Shahbaz and Shaistah Shahbaz.
- Mr Mohammed Shahbaz is the registered landlord for the house.



- The landlord's agent is Property Zone, 480 Cathcart Road, Glasgow G42 7BY.
- The tribunal in its inspection carefully checked the items which were the subject of the complaint. The tribunal observed the following:
  - i. The boiler was located within the kitchen. No CO monitor had been installed within the kitchen, and no earth bonding was evident at the boiler.
  - ii. Hard wired smoke alarms were installed in the hallway and the lounge. A heat detector had been installed in the kitchen. The alarms appeared to be interlinked.
  - iii. The top pane of the left hand window in the lounge, which the tenant confirmed was the one which had been broken, had been repaired.

### **Reasons for decision**

18. The complaints before the tribunal as set out in the third-party applicant's application, and the tribunal's determinations in relation to each of these, are set out below.

#### **1. *No EICR has been produced***

19. Following submission of the third-party applicant's application, the landlords' agent provided the third-party applicant with an Electrical Installation Condition Report (EICR) by Mr Garry O'Rourke of AA Electrical Services, Glasgow dated 16 February 2017. This showed the electrical installation to be satisfactory, and made no observations or recommendations for actions to be taken.
20. The tribunal noted, however, that Mr O'Rourke did not appear to be registered with NICEIC or SELECT or to be a member of NAPIT. The tribunal noted that Section 13 (4A) of the 2006 Act provides that in determining whether a house meets the standard of repair set out in sections 13 (1) (c) and (d) of the 2006 Act in relation to installations for the supply of electricity and electrical fixtures, fittings and appliances, regard is to be had to guidance issued by Scottish Ministers on electrical safety standards. The current guidance<sup>1</sup> states (at paragraph 10) that an EICR must be completed by a 'suitably competent person'. It states that this means they must be:
- Employed by a firm that is a member of an accredited registration scheme operated by a recognised body

<sup>1</sup>

[https://www.housingandpropertychamber.scot/sites/default/files/hpc/SCOTTISH%20GOVERNMENT%20GUIDANCE%20ON%20ELECTRICAL%20INSTALLATIONS%20AND%20APPLIANCES%20IN%20PRIVATE%20RENTED%20PROPERTY%20-%20REVISED%20NOV%202016\\_0.pdf](https://www.housingandpropertychamber.scot/sites/default/files/hpc/SCOTTISH%20GOVERNMENT%20GUIDANCE%20ON%20ELECTRICAL%20INSTALLATIONS%20AND%20APPLIANCES%20IN%20PRIVATE%20RENTED%20PROPERTY%20-%20REVISED%20NOV%202016_0.pdf)

- A self-employed member of an accredited registration scheme operated by a recognised body, or
  - Able to complete the checklist at Annex A of the guidance
21. The guidance goes on to state that this will usually mean a contractor who is registered with NICEIC, SELECT or a member of NAPIT.
  22. The EICR dated 17 February 2017, which was provided by the landlords' agent, does not appear to meet these criteria. In its direction of 7 June 2017, the tribunal had made clear to the landlord that it required to see an EICR carried out by a suitably qualified contractor, showing that all electrical installations, fixtures, fittings and appliances had been checked and were working safely. If the contractor was not registered with NICEIC, SELECT or a member of NAPIT, the tribunal required to see a completed and signed checklist provided by that contractor certifying that he was competent to carry out an EICR, as set out at Annex A of the statutory guidance.
  23. The certificates from Mr O'Rourke provided by the landlord do not provide adequate evidence that he is a competent person to carry out an EICR as required by the guidance. In assessing whether the electrical installation meets the repairing standard, the tribunal is unable to rely on the EICR which he produced, in the absence of such evidence. The tribunal also notes that the gas safety certificate in respect of the house dated 22 January 2017, which was produced by a Gas Safe registered engineer, shows that the equipotential bonding is unsatisfactory. As this is an electrical issue, the tribunal would have expected this also to be highlighted as a C1 or C2 observation in any EICR. The statutory guidance clearly states (at paragraph 15) that any element of the electrical installation that is classified as a C1 or C2 must be rectified in order to comply with the repairing standard.
  24. The tribunal made clear to Mr Shahbaz at the hearing that the certificates provided did not provide adequate evidence that Mr O'Rourke was a competent person to carry out the EICR. He indicated that he had spoken to a suitably qualified electrician that day, and told the tribunal that he hoped the electrician would attend at the property very soon. The tribunal advised that, if the inspection was carried out very quickly, and a satisfactory certificate sent to the tribunal before issuing its decision, the tribunal would take this into account when issuing its decision. Mr Shahbaz indicated that he expected to have the EICR within a week of the inspection, but nothing was received from him within that timescale.

25. In the absence of an EICR which meets the requirements of the statutory guidance, the tribunal therefore determines on the basis of the evidence before it that, on the balance of probabilities, the electrical installation within the house does not meet the repairing standard in terms of section 13 (1) (f) of the 2006 Act.

**2. No gas safety certificate has been produced.**

26. Following submission of the third-party applicant's application, the landlords' agent provided the third-party applicant with a gas safety certificate dated 22 January 2017 provided by Mr Imtiaz Jawaid, of Gas Fix Heating and Plumbing Services, Glasgow, who is a Gas Safe registered engineer. This shows that, among other things, the equipotential bonding is unsatisfactory.

27. Again, Mr Shahbaz told the tribunal that he had spoken to a gas engineer who would come out to the property to carry out an inspection very soon, and would send the certificate to the tribunal. No certificate was received from Mr Shahbaz within one week of the hearing. In the absence of an up to date gas safety certificate showing that the protective equipotential bonding was working safely, the tribunal determines that, on the balance of probabilities, the gas installation in the house is not in a reasonable state of repair and in proper working order.

**3. There is no written confirmation that heat and smoke detectors have been installed according to statutory guidance**

28. Following receipt of the EICR dated 17 February 2017, Mr Dundas noted in his email to the tribunal of 16 May 2017 that this did not record that the smoke and heat alarms were considered in the EICR. He later noted in his email of 17 May 2017 that he was content that the Minor Electrical Installation Works Certificate dated 15 February 2017, also completed by Garry O'Rourke, which the landlords' agent had produced, provided written evidence that the necessary smoke and heat alarms had been properly installed.

29. Mr Shahbaz told the tribunal at the hearing that he believed that the smoke alarms installed in the property met the legal requirements, and that his agent had advised him that this was the case.

30. In determining whether a house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire, section 13 (5) of the Act states that regard is to be had to any building regulations and any guidance issued by the Scottish Ministers. The current Scottish Government statutory guidance states that there should be at least:

- one functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes
- one functioning smoke alarm in every circulation space, such as hallways and landings.
- one heat alarm in every kitchen
- and all alarms should be interlinked.

31. The tribunal observed at its inspection that hard wired smoke alarms had been installed in the hallway and the lounge, and a heat detector had been installed in the kitchen. The alarms appeared to be interlinked. The tribunal was satisfied that these alarms comply with the statutory guidance, and did not consider that written confirmation of this was required. The tribunal therefore determines that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

#### **4. No CO monitor has been installed**

32. The tribunal found at its inspection that no CO monitor had been installed within the kitchen, where the boiler is located.

33. The tribunal notes that Section 13 (6) of the 2006 Act provides that in determining whether a house meets the standard of repair set out in section 13 (1) (g) of the 2006 Act, regard is to be had to guidance issued by Scottish Ministers on provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health. The current guidance<sup>2</sup> provides that private landlords must ensure that a detection system is installed in all dwellings they rent to tenants where there is:

- a fixed combustion appliance (excluding an appliance used solely for cooking) in the dwelling or
- a fixed combustion appliance in an inter-connected space, for example, an integral garage
- a combustion appliance necessarily located in a bathroom.

34. The guidance also states that a CO detection system to alert occupants to the presence of CO gas should consist of at least:

- 1 CO detector in every space containing a fixed combustion appliance (excluding an appliance used solely for cooking) and

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<https://www.housingandpropertychamber.scot/sites/default/files/hpc/SCOTTISH%20GOVERNMENT%20STATUTORY%20GUIDANCE%20FOR%20THE%20PROVISION%20OF%20CARBON%20MONOXIDE%20ALARMS%20IN%20PRIVATE%20RENTED%20HOUSING.pdf>

- 1 CO detector to provide early warning in high risk accommodation, that is, a bedroom or principal habitable room, where a flue passes through these rooms.
35. It also states that, unless otherwise indicated by the manufacturer, CO detectors should be either:
- ceiling mounted and positioned at least 300 mm from any wall or
  - wall mounted and positioned at least 150 mm below the ceiling and higher than any door or window in the room.
36. The tribunal noted that the boiler within the house is a fixed combustion appliance, and that there is no CO monitor fitted in the kitchen, as required by the statutory guidance. Mr Shahbaz advised the tribunal that he had instructed his agent to arrange for a CO monitor to be fitted, but no confirmation that this had been done was received by the tribunal within one week of the hearing date.
37. The tribunal therefore determines that the house does not meet the repairing standard as at the time of its inspection, it did not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

#### **5. *The lounge window is broken***

38. At its inspection, the tribunal observed that the top pane of the left-hand window in the lounge, which Mrs Covaciu confirmed was the one which had been broken, had been repaired. She told the tribunal that her husband had repaired it, as the landlord had failed to do so. The tribunal observes that this repair should have been carried out by the landlord, which Mr Shahbaz appeared to accept. The tribunal determined, however, that the window appeared to be in a reasonable state of repair and in proper working order.
39. The tribunal found Mr Shahbaz to be credible in his evidence, and formed the view that he had relied on the advice of his agent to ensure that he complied with the requirements on him as a landlord. It appeared to the tribunal that Mr Shahbaz clearly intended to address the matters raised by the tribunal, and it therefore allowed him the opportunity to send the documentation required following the hearing, before issuing its decision. The information required was not received by the tribunal within one week of the hearing date, however. The tribunal therefore proceeded on the basis of the evidence before it as at the date of the hearing.

## Summary of decision

40. The tribunal determines that the landlords have failed to comply with the duty imposed by Section 14 (1) (b) of the Act, and in particular that the landlords have failed to ensure that the house meets the repairing standard in that 1) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order and 2) the house does not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
41. The tribunal therefore makes a Repairing Standard Enforcement Order (RSEO) as required by section 24 (2) of the Act.

## Rights of Appeal

42. 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.
43. 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.

Signed..... **S O'Neill**  
Sarah O'Neill, Chairing member

.....Date..... 13/1/17 .....

**FLAT 1/2, 212 LANGSIDE ROAD, GLASGOW, G42 8XL**

Schedule of photographs taken at the inspection on 27<sup>th</sup> June 2017.

**Photo 1 – Exterior of property**

**Photo 2 – Gas boiler**

**Photo 3 – Gas hob**

**Photo 4 – Lounge window ( repaired )**

**Photo 5 – Consumer unit**

**Photo 6 – Gas meter**

**Photo 7 – Heat alarm**

**Photo 8 – Smoke alarm**



Exterior of property







Gas boiler

This is the schedule of photographs referred  
to in the foregoing document dated  
13/7/17

**S O'Neill**

Flat 1/2 , 212 Langside Road, Glasgow, G42 8XL

Schedule of Photographs taken at inspection on 27<sup>th</sup> June 2017

	
Gas hob	Lounge window ( repaired )
	
Consumer unit	Gas meter



Flat 1/2 , 212 Langside Road, Glasgow, G42 8XL

Schedule of Photographs taken at inspection on 27<sup>th</sup> June 2017

	
Heat alarm	Smoke alarm ( hall )



Smoke alarm ( lounge )

# DOMESTIC ELECTRICAL INSTALLATION CONDITION REPORT

Issued in accordance with British Standard BS 7671 - Requirements for Electrical Installations

11286.

Certificate Reference:

## 1 DETAILS OF THE CLIENT

Client: Property Zone

Address:

Glasgow

Postcode:

G42 8XL

## 2 ADDRESS AND DETAILS OF THE INSTALLATION

Installation: 212 Langside Road, 1/2

Estimated age of electrical installation: years

Evidence of alterations or additions: if yes, estimated age: years

Date of previous inspection: 16/02/2017 Installation Cert number:

Records of installation available: Records held by:

## 3 PURPOSE OF THE REPORT

Purpose for which this report is required: Safety assessment requested by client.

## 4 EXTENT OF THE INSTALLATION AND LIMITATIONS OF THE INSPECTION AND TESTING

Extent of the electrical installation covered by this report:

None

Agreed and operational limitations of the inspection and testing (include reasons and person agreed with):

The inspection and testing detailed in this report and accompanying schedules has been carried out in accordance with BS 7671:2008 (IET Wiring Regulations), as amended to 2015. 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 the inspection. An inspection should be made within an accessible roof space housing other electrical equipment.

## 5 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 on page 1 (see section 3), 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 section 8) and the attached schedules (see section 16), provides an accurate assessment of the condition of the electrical installation taking into account the stated extent of the installation and the limitations on the inspection and testing (see section 4).

For the INSPECTION, TESTING AND ASSESSMENT of the report:

Name: Garry O Rourke

Position:

Electrician

Signature:

Date: 16/02/2017

## 6 DETAILS OF THE ELECTRICAL CONTRACTOR

Trading Title: AA Electrical Services

Address: 5 Calderpark Road  
Glasgow

Postcode: G717RG

Registration Number: 191178

Telephone Number: 01417640767

This form is based on the model shown in Appendix 6 of BS 7671:2008 amended 2015.

## 7 SUMMARY OF THE CONDITION OF THE INSTALLATION

See page 3 for a summary of the general condition of the installation in terms of electrical safety.

Overall assessment of the installation in terms of its suitability for continued use:

SATISFACTORY

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

Page: 1 of 7

This is a copy of the Electrical Installation Condition Report dated 16/2/17 referred to in the Property Condition dated 13 July 2017

**OBSERVATIONS AND RECOMMENDATIONS FOR ACTIONS TO BE TAKEN**

Referring to the attached Schedule(s) of Inspections and Test Results, and subject to the limitations specified on page 1 of this report, the following observations and recommendations are made:

**Installation and Limitations of Inspection and Testing:**  
/ There are no items adversely affecting electrical safety or N/A The following observations and recommendations are made

N/A

N/A The following observations and recommendations are made

[illegible]

One of the following codes, as appropriate, has been allocated to each of the observations made above as indicated:

	<input type="checkbox"/> C3	<input type="checkbox"/> Improvement	<input type="checkbox"/> FI	<input type="checkbox"/> Further investigation required without delay
1				
2				
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10				
11				
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100				

One of the following codes, as appropriate, has been allocated to each of the observations made above as indicated:

	<input type="checkbox"/> Potentially dangerous	<input type="checkbox"/> Improvement recommended	<input type="checkbox"/> FI	<input type="checkbox"/> Further investigation required without delay
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				

**C2** - Urgent remedial action required

**C2** - Urgent remedial action required

**recommended**

FI	Further investigation required without delay
----	--

FI	Further investigation required without delay
----	--

Item	Current Status	Recommended Action	Recommended For Items:
C1	<b>Danger Present</b> - Risk of injury. Immediate remedial action required	Improvement	N/A
C2	<b>Urgent remedial action required</b>	Improvement	N/A

C1	- Risk of injury. Immediate remedial action required.	
	Immediate remedial action required for items:	N/A
	Urgent remedial action	N/A
	Improvement recommended for items: Further investigation required for items:	N/A

**Urgent remedial action required for items:**

<p><b>Information required for items:</b></p> <p>This form is based on the model shown in Appendix 6 of BS 7671:2008 amended 2015.</p>	N/A
--	-----

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## 9 RECOMMENDATIONS

where the overall assessment of the suitability of the installation for continued use on page 1 is stated as 'UNSATISFACTORY', I/We recommend that any observations classified as 'Code 1 - Danger Present' or 'Code 2 - Potentially dangerous' are acted upon as a matter of urgency.

Investigation without delay is recommended for observations identified as 'F1 - Further Investigation Required'.

Observations classified as 'Code 3 - Improvement recommended' should be given due consideration.

General condition of the installation in terms of electrical safety:

good

## 10 NEXT INSPECTION

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

5 Years or change of tenant/owner (Enter interval in terms of years, months or weeks, as appropriate)

provided that any items in section 8 which have been attributed a Classification code C1 (danger present) are remedied immediately and that any items which have been attributed a code C2 (potentially dangerous) or require further investigation are remedied or investigated respectively as a matter of urgency. Items which have been attributed a Classification code C3 should be improved as soon as practicable (see section 8).

## 11 SUPPLY CHARACTERISTICS AND EARTHING ARRANGEMENTS

Earthing Arrangements	Nature of Supply Parameters			Supply Protective Device	
	Number and Type of Live Conductors	Nominal voltage(s):	Nature of Supply Parameters	BS(EN):	1361 Fuse HBC
TN-S N/A	1-phase (2 wire): <input checked="" type="checkbox"/> 3-phase (3 wire): N/A	U: 240 V Uo: 230 V	Nominal frequency, f: 50 Hz External earth fault loop impedance, Ze: $\Omega$	Type: 2 Rated current: 100 A	Short-circuit capacity: 33 kA
TN-C-S <input checked="" type="checkbox"/>	Other: N/A		Prospective fault current, Ipf: kA		
TT N/A	Confirmation of supply polarity: <input checked="" type="checkbox"/>				

## 12 PARTICULARS OF INSTALLATION REFERRED TO IN THE REPORT

Details of Installation Earth Electrode (where applicable)				Protective measure(s) against electric shock:	
Means of Earthing	Type:	Resistance to Earth:	Location:	Maximum Demand (Load):	ADS
Distributor's facility: <input checked="" type="checkbox"/>	N/A	N/A	Method of measurement:		
Installation earth electrode:	N/A	N/A			
Main Switch / Switch-Fuse / Circuit-Breaker / RCD	60947-2 MCB - B	Current rating: 100 A	Supply conductors material: Copper	Rated residual operating current ( $\Delta n$ ):	N/A mA
Type BS(EN):	2	Fuse/device rating or setting: 100 A	Supply conductors csa: 16 mm <sup>2</sup>	Rated time delay:	N/A ms
Number of poles:	2	Voltage rating: 240 V		Measured operating time (at $\Delta n$ ):	N/A ms
Earthing and Protective Bonding Conductors				Bonding of extraneous-conductive parts	
Earthing conductor	Copper	Connection/continuity verified: <input checked="" type="checkbox"/>	Connection/continuity verified: <input checked="" type="checkbox"/>	To water installation pipes: <input checked="" type="checkbox"/>	To lightning protection:
Conductor material:	Copper	csa: 16 mm <sup>2</sup>	csa: 10 mm <sup>2</sup>	To oil installation pipes:	To other service(s):
Main protective bonding conductors	Copper	Connection/continuity verified: <input checked="" type="checkbox"/>	Connection/continuity verified: <input checked="" type="checkbox"/>	To structural steel:	N/A
Conductor material:	Copper	csa: 10 mm <sup>2</sup>	csa: 10 mm <sup>2</sup>		

## Outcome

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# 14 INSPECTION SCHEDULE FOR DOMESTIC AND SIMILAR PREMISES WITH UP TO 100 A SUPPLY

Item	Description	Comment	Outcome
4.19	RCD(s) provided for additional protection - includes RCBs (411.3.3; 415.1)	N/A	
4.20	Confirmation of indication that SPD is functional (534.2.8)	N/A	
4.21	Confirmation that ALL conductor connections, including connections to busbars, are correctly located in terminals and are tight and secure (526.1)	N/A	
4.22	Adequate arrangements where a generating set operates as a switched alternative to the public supply (551.6)	N/A	
4.23	Adequate arrangements where a generating set operates in parallel with the public supply (551.7)	N/A	
<b>5.0</b>	<b>FINAL CIRCUITS</b>		
5.1	Identification of conductors (514.3.1)	N/A	
5.2	Cables correctly supported throughout their run (522.8.5)	N/A	
5.3	Condition of insulation of live parts (416.1)	N/A	
5.4	Non-sheathed cables protected by enclosure in conduit, ducting or trunking (521.10.1) (to include the integrity of conduit and trunking systems in metallic and plastic)	N/A	
5.5	Adequacy of cables for current-carrying capacity with regard for the type and nature of installation (Section 523)	N/A	
5.6	Coordination between conductors and overload protective devices (433.1; 533.2.1)	N/A	
5.7	Adequacy of protective devices: type and rated current for fault protection (411.3)	N/A	
5.8	Presence and adequacy of circuit protective conductors (411.3.1.1; 543.1)	N/A	
5.9	Wiring system(s) appropriate for the type and nature of the installation and external influences (Section 522)	N/A	
5.10	Concealed cables installed in prescribed zones (see Extent and Limitations) (522.6.202)	N/A	
5.11	Cables concealed under floors, above ceilings or in walls/partitions, adequately protected against damage (see Extent and Limitations) (522.6.204)	N/A	
5.12	Provision of additional protection by RCD not exceeding 30mA:		
5.12.1	For all socket-outlets of rating 20A or less, unless an exception is permitted (411.3.3)	N/A	
5.12.2	For supply to mobile equipment not exceeding 32A rating for use outdoors (411.3.3)	N/A	
5.12.3	For cables concealed in walls at a depth of less than 50mm (522.6.202; 522.6.203)	N/A	
5.12.4	For cables concealed in walls/partitions containing metal parts regardless of depth (522.6.203)	N/A	
5.13	Provision of fire barriers, sealing arrangements and protection against thermal effects (Section 527)	N/A	
5.14	Band II cables segregated/separated from Band I cables (528.1)	N/A	
5.15	Cables segregated/separated from communications cabling (528.2)	N/A	
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 Extent and Limitations of the report (Section 526)	N/A	
5.17.1	Connections soundly made and under no undue strain (526.6)	N/A	
5.17.2	No basic insulation of a conductor visible outside enclosure (526.8)	N/A	
5.17.3	Connections of live conductors adequately enclosed (526.5)	N/A	
5.17.4	Adequately connected at point of entry to enclosure (glands, bushes etc.) (522.8.5)	N/A	
5.18	Condition of accessories including socket-outlets, switches and joint boxes (621.2 (iii))	N/A	
5.19	Suitability of accessories for external influences (512.2)	N/A	
5.20	Adequacy of working space/accessibility to equipment (132.12; 513.1)	N/A	
5.21	Single-pole switching or protective devices in line conductors only (132.14.1, 530.3.2)	N/A	
<b>OUTCOMES</b>	<b>Acceptable condition</b>	<b>TICK</b>	<b>Unacceptable condition</b>
	<b>C1 or C2</b>	<b>C3</b>	<b>Improvement recommended</b>
	<b>FI</b>	<b>Further investigation</b>	<b>Not verified</b>
	<b>N/V</b>	<b>Limitation</b>	<b>LIM</b>
	<b>Not applicable</b>	<b>N/A</b>	<b>N/A</b>

15	INSPECTION SCHEDULE FOR DOMESTIC AND SIMILAR PREMISES WITHIN A COMMUNITY	Comment	Outcome
	Description		
	EMERGENCY STOPPING AND FUNCTIONAL SWITCHING)		

OUTCOMES	Condition	TICK	Condition	Outcome

consumer unit:

consumer unit:

consumer unit:

Insulation

Insulation			
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[illegible]

Robin



