

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION in respect of an application under Section 24 (1) of the Housing (Scotland) Act 2006 ("the Act") and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Chamber Ref: PRHP/IV40/97/10

The Parties:-

Mr Douglas Hawthorn and Mrs Katherine Macarthur formerly residing at Corrary Farm House, Glenelg, by Kyle of Lochalsh, IV40 8JX ("**the former tenants**")

And

William Young of Ritson Young, Chartered Accountants, 28 High Street, Nairn, IV12 4AU as judicial factor on the Estates of the Corrary Partnership, a partnership having its principal place of business at Corrary, Glenelg, by Kyle of Lochalsh, IV40 8JX ("**the former landlords**")

The Property:-

Property at Corrary Farm House, Glenelg, by Kyle of Lochalsh, IV40 8JX ("**the property**")

The Tribunal comprised:-

Mr James Bauld – Chairperson

Mrs Sara Hesp – 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 Repairing Standard Enforcement Order dated 8 February 2011 (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the evidence obtained at the re-inspection which took place on 20th September 2017 consider that the works required in the RSEO have now been satisfactorily completed and accordingly the Tribunal have decided to issue a Certificate of Completion of Works in terms of Section 60 of the Act and to revoke the Rent Relief Order previously made on 6th July 2011.

Background

1. Reference is made to the original decision made by the then Private Rented Housing Committee dated 8th February 2011. Reference is also made to the subsequent decision dated 6th July 2011 to issue a Rent Relief Order. On 1st December 2016 the functions of the Private Rented Housing Committee were transferred to the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of legislation and regulations. At the time of the original decisions, the then committee consisted of three members including Andrew MacKay, housing member. Mr. Mackay has subsequently retired from the tribunal and this decision has been made by the remaining members of the tribunal.

2. On 20th September 2017, Mrs Sara Hesp, ordinary member of the Tribunal, attended at the property to carry out an inspection. An inspection had been requested by the current owner of the property Mr Neil Hammond. At the inspection it was clear to the ordinary member that all the outstanding works in terms of the Repairing Standard Enforcement Order had been completed.
3. Subsequent to the inspection, the ordinary member prepared a property re-inspection report dated 20th September 2017. The inspection report concludes that all the works in terms of the Repairing Standard Enforcement Order have been completed and that there are no outstanding works. A copy of the inspection report is annexed to this decision.
4. The Tribunal have considered the terms of the inspection report and have now determined that all works in the RSEO have now been completed. The Tribunal accordingly unanimously agreed that the Rent Relief Order should be revoked and that the Certificate of Completion in terms of the RSEO should be issued. The Tribunal accordingly revoke the Rent Relief Order with effect from 20th September 2017.

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.

J Bauld

(Witness)

(Legal Member)

Donna Jones
(Witness Name in full)

8 Febury 2018

TC Young, 7 West George
(Witness address)

Street, Glasgow, G2 1BA

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) Housing (Scotland) Act 2006 Property Re-inspection Report

Front elevation – 20 September 2017



Date of re-inspection: 20 September 2017

Chamber Reference Number: PRHP/IV40/97/10

Property address: Corrary Farm House, Glenelg, By Kyle of Lochalsh,
IV40 8JX, Wester Ross

Surveyor: Mrs S Hesp LLB (Hons) BA (Hons) MRICS ACI Arb

In attendance:

The inspection was attended by Mr Neil Hammond, who had supported the original applicant at the first inspection and hearing on 21 January 2011, together with his partner, Ms Amy Flowerre.

Circumstances of inspection:

The property was vacant. The tenants had left the property some years ago. I was informed by the attendees that it had been sold and that they were now the joint owners. The attendees said that they had carried out the renovation of the property.

The weather was wet but it was warm for the time of year.

Repairing Standard Enforcement Order (RSEO):

An RSEO was served on the then Landlord, Mr William Young of Ritson Young, (Chartered Accountants) as Judicial Factor, on 8 February 2011, following an inspection and hearing by a Committee of the Private Rented Housing Panel on 21 January 2011.

On 1 December 2016, the Private Rented Housing Panel became part of the First Tier Tribunal for Scotland (Housing and Property Chamber).

The landlord was required to carry out the following work under the terms of the RSEO:

- a) To carry out repairs to the roof to make it wind and watertight.
- b) To carry out repairs to the porch to make it wind and watertight.
- c) To effect repairs to the chimneys within the property to ensure that no smoke escapes from the chimneys into the property and that the chimneys are properly lined.
- d) To remove and replace the toilet bowl and cistern.
- e) To effect all necessary repairs to the windows to make them wind and watertight.

I re-inspected the property on 13 May 2011 but none of the works required by the RSEO had been completed.

Work completed

All the work required by the RSEO has now been completed.

The property has been partially re-built. The ground floor has been re-configured. The property has been completely refurbished and re-fitted. It has a new kitchen and a new bathroom suite. The Rayburn cooker has been removed. A wood burning stove has been installed in the living room. The walls have been re-plastered. The property has been rewired. There are more smoke detectors than are required by the guidance given in the Domestic Technical Handbook and a carbon monoxide detector was evident in the living room.

- a) There is a new roof to the property which has been covered with slates. There is no evidence of damp or water ingress to the property. It is wind and water tight.
- b) The porch has been re-built and it is clad in timber panelling. It has a new roof and a new door. It is currently wind and watertight.
- c) All the chimneys have been re-built. There is now just one working chimney. The others have been boarded up. A fire was lit in the wood burning stove and there was no evidence of any smoke escaping from this chimney to any part of the interior of the property.
- d) The toilet and cistern have been replaced.
- e) The windows throughout have been replaced with new double glazed casement units.

Outstanding works

There are no outstanding works.

This report will be submitted to relevant parties, as appropriate, for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

S L Hesp

20 September 2017

**Schedule of photographs attached to re-inspection report
PRHP/IV40/97/10 – Corrary Farm House, Glenelg, By Kyle of Lochalsh**

Photograph 1: Front elevation – porch – 13 May 2011



Photograph 2: front elevation – porch – 20 September 2017





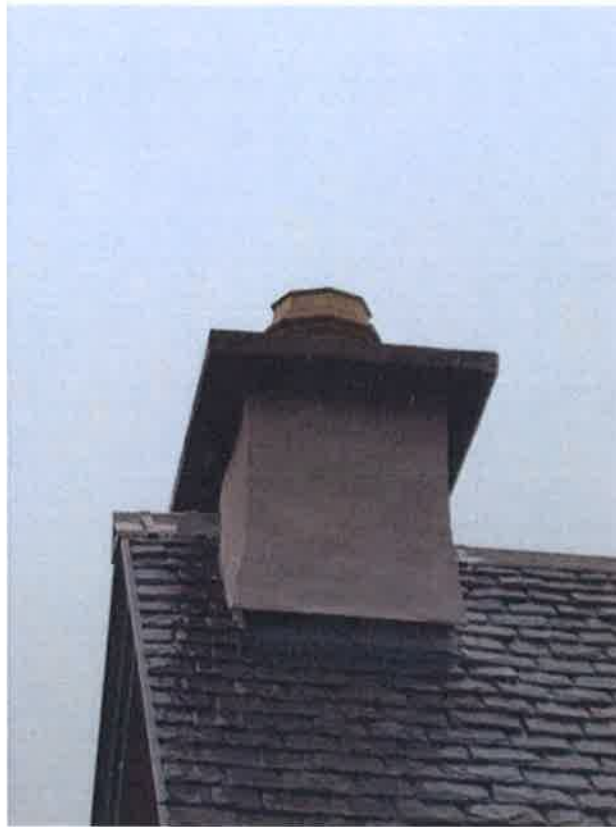
Photograph 3 (above): Roof and windows – rear elevation – 13 May 2011



Photograph 4 (above): Roof and windows – front elevation – 20 September 2017

Photographs 5 and 6: Roof and chimneys – 13 May 2011





Photograph 7: Chimney – 20 September 2017



Photograph 8: WC and cistern – upstairs bathroom – 20 September 2017



Photograph 9: rear elevations – roof, windows and chimneys – 13 May 2011



Photograph 10: rear elevations – roof, windows and chimneys – 20 September 2017



Photograph 11: Front bedroom window – interior view – 20 September 2017



Photograph 12: Living room window – exterior view – 20 September 2017



Photograph 13: General view of kitchen (Rayburn removed) – 20 September 2017



Photograph 14: Living Room - wood burning stove – 20 September 2017