

# **Housing and Property Chamber**

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

---



### **Statement of Decision of the Housing and Property Chamber of the First-tier tribunal for Scotland under Section 60 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/17/0220**

**Re: Property at 183 Upper Craigour, Edinburgh EH17 7SQ (“the  
Property/ the house”)**

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

**Ms Fiona Dewar, residing at 183 Upper Craigour, Edinburgh EH17 7SQ  
 (“the Tenant”)**

**Andrew Scott Ritchie, sometime c/o PO Box 25035, Villa 9, Musharif  
Compound, Kamarah Street, Abu Dhabi, United Arab Emirates and  
thereafter at Villa 96, 5<sup>th</sup> Street, A 1 Reem, Arabian Ranches, Dubai, DMC  
15825, United Arab Emirates (“the Landlord”)**

**Tribunal Members: Mr George Clark (Legal Member/Chair) and Mr  
Andrew Murray (Ordinary/Surveyor) Member**

#### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
 (“the Tribunal”), having made such enquiries as it saw fit for the  
purposes of determining whether the Landlord has complied with the  
Repairing Standard Enforcement Order made by the Tribunal on 24  
August 2017, determined that the Landlord has complied with the Order  
and that a Certificate of Completion of Work to that effect should be  
issued in terms of Section 60 of the Housing (Scotland) Act 2006.**

#### **Background**

- 1. By application received on 9 June 2017, the Tenant applied to the Housing  
and Property Chamber of the First-tier Tribunal for Scotland (“the  
Tribunal”) for a determination of whether the Landlord had failed to comply  
with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act  
2006 (“the Act”).**

2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard.
3. Following an inspection and hearing on 24 August 2017, the Tribunal made a Repairing Standard Enforcement Order ("the Order"). The Order required the Landlord:-

(1) to exhibit to the Tribunal a current Gas Safety Certificate in respect of the Property, issued by a Gas Safe registered engineer;

(2) to exhibit to the Tribunal a current Electrical Installation Condition Report, issued by an electrical contractor who is registered either with NICEIC or with SELECT;

(3) to instruct a suitably qualified plumbing contractor to carry out such repairs to the toilet waste system as are necessary to restore it to proper working order;

(4) to instruct a suitably qualified electrical contractor to carry out such works as are necessary to restore the lighting in the living room to safe and proper working order.

(5) to properly reinstate the plaster of the ceiling of the living room and thereafter to redecorate the ceiling and the wall adjacent to the staircase;

(6) to install a suitable vent in the door of the cupboard housing the central heating boiler and install a carbon monoxide detector at an appropriate height outside the cupboard;

(7) to instruct a suitably qualified electrical contractor to install in the Property mains-wired and interlinked smoke detectors in the living room, downstairs hallway and upper floor landing of the Property and a heat detector in the kitchen of the Property, all in accordance with the Revised Domestic Technical Handbook guidance and the Scottish Government revised statutory guidance on the requirements for smoke alarms; and

(8) to install a carbon monoxide detector in the kitchen.

The Tribunal ordered that the works required by the Order should be carried out within a period of 6 weeks from the date of service of the Order.

4. The Tribunal reinspected the Property on the morning of 15 January 2018 and, following the reinspection, held a hearing at George House, 126 George Street, Edinburgh.
5. At the hearing, the Tribunal determined that, whilst most of the work required by the Order had been carried out, the Landlord had not complied

with the Order in that he had not fitted a carbon monoxide detector outside the cupboard housing the central heating boiler and he had not exhibited an Electrical Installation Condition Report in respect of the Property. Accordingly, the Tribunal was obliged to serve notice of the failure on the local authority.

6. Subsequent to that Decision being issued, the Landlord provided the Tribunal with a photograph showing the carbon monoxide detector fitted outside the cupboard housing the central heating boiler and an Electrical Installation Condition Report in respect of the Property dated 28 November 2017. Copies of the photograph and of the Report, together with the electrical contractor's accreditation with SELECT are annexed to and form part of this Statement of Decision.

### **Findings of fact**

7. The Tribunal finds the following facts to be established:-
  - A carbon monoxide detector has been fitted as required by the Order.
  - The Tribunal has seen an Electrical Installation Condition Report in respect of the Property.

### **Summary of the issues**

8. The issues to be determined were whether the Landlord had carried out the works required by the Repairing Standard Enforcement Order made on 24 August 2017 and whether a Certificate of Completion of Work should be issued.

### **Reasons for the decision**

9. The Tribunal was satisfied that all the work required by the Order has now been carried out.
10. The decision of the Tribunal was unanimous.

### **Right 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.**

George Clark

Signed...

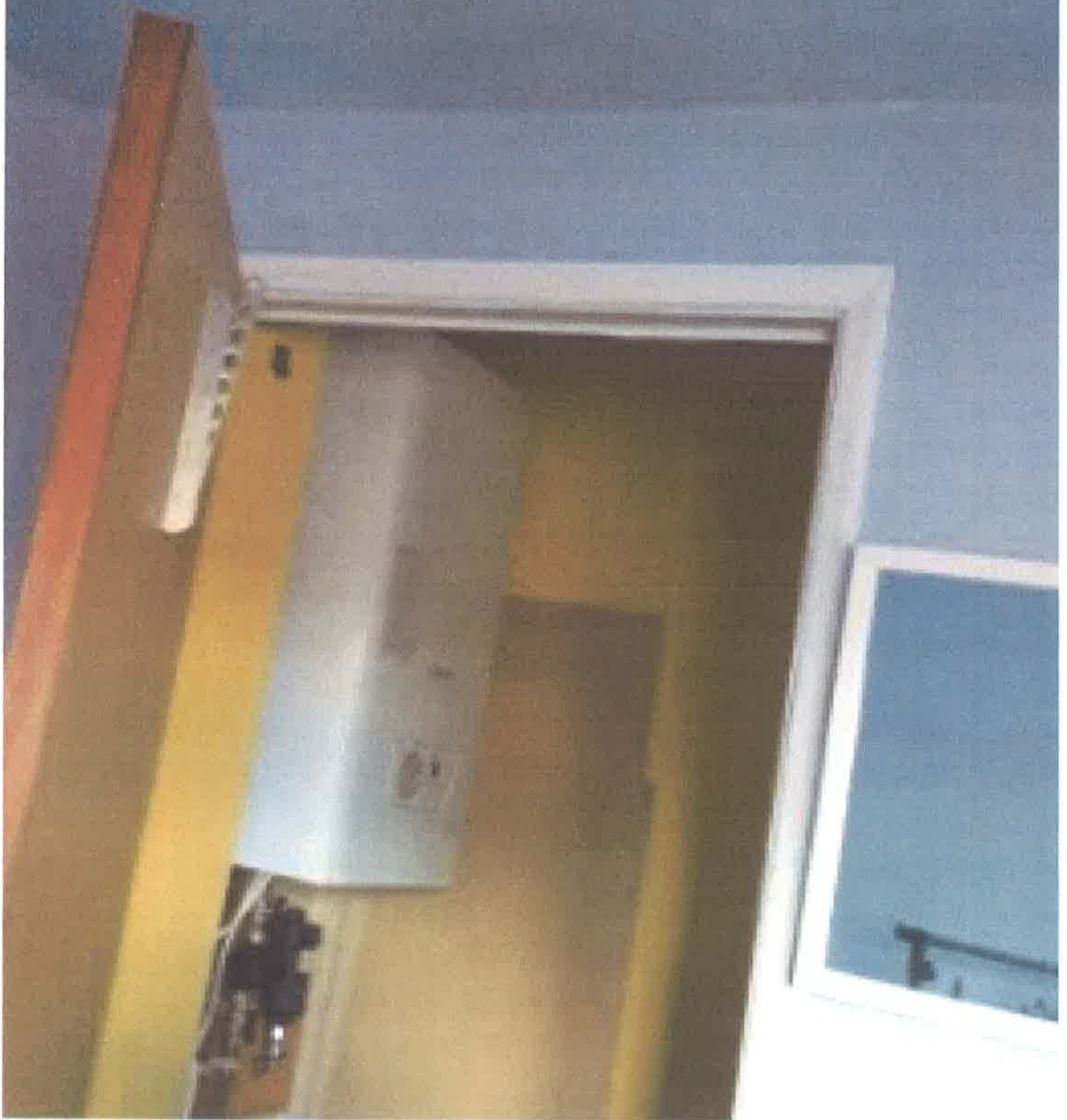
Legal Member/Chair

..... Date 30 April 2018

That with photos  
referred to in the foregoing  
Statement of Deason dated  
30 April 2018

George Clark

key2018/Clark



This is the Electrical Installation  
Condition Report referred to in the  
Inventory Statement of Decision dated  
30 April 2018  
George Clark  
Vice President / Chair

## ELECTRICAL INSTALLATION CONDITION REPORT (BS 7671)

<b>SECTION A. DETAILS OF THE CLIENT / PERSON ORDERING THE REPORT</b>	
Name	GILL RITCHIE
Address	183 UPPER CRAIGDOVE, EDINBURGH
<b>SECTION B. REASON FOR PRODUCING THIS REPORT</b>	
PROPERTY LANDLORD SAFETY CHECK	
Date(s) on which inspection and testing was carried out 28/11/2017	
<b>SECTION C. DETAILS OF THE INSTALLATION WHICH IS THE SUBJECT OF THIS REPORT</b>	
Occupier	VACUATED
Address	183 UPPER CRAIGDOVE, EDINBURGH
Description of premises	
Domestic <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Other (include brief description) <input type="checkbox"/>	
Estimated age of wiring system 20 years	
Evidence of additions / alterations Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not apparent <input type="checkbox"/> If yes, estimate age 10 years	
Installation records available? (Regulation 621.1) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Date of last inspection 2011 (date)	
<b>SECTION D. EXTENT AND LIMITATIONS OF INSPECTION AND TESTING</b>	
Extent of the electrical installation covered by this report	
ALL VISIBLE WIRING, FIXTURE, FITTINGS	
Agreed limitations including the reasons (see Regulation 634.2)	
NO HIDDEN WIRING CAN BE VISUALLY INSPECTED	
Agreed with: GILL RITCHIE	
Operational limitations including the reasons (see page no. ....)	
NONE	
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 BS 7671: 2015 A3	
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.	
<b>SECTION E. SUMMARY OF THE CONDITION OF THE INSTALLATION</b>	
General condition of the installation (in terms of electrical safety) GOOD	
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	
<b>SECTION F. RECOMMENDATIONS</b>	
Where the overall assessment of the suitability of the installation for continued use above is stated as UNSATISFACTORY, I / we recommend that any observations classified 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' (code F1). Observations classified as 'Improvement 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 2022 (date)	
<b>SECTION G. DECLARATION</b>	
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 (Capital's) DAVID LOVE	
Signature	
For/on behalf of DAVID LOVE PROPERTY	
Position PROPRIETOR OF DAVID LOVE PROPERTY	
Address 81 EASTER ROAD, EDINBURGH, EH7 5PW	
Date 28/11/2017	
<b>SECTION H. SCHEDULE(S)</b>	
..... schedule(s) of inspection and ..... schedule(s) of test results are attached.	
The attached schedule(s) are part of this document and this report is valid only when they are attached to it	

SECTION I. SUPPLY CHARACTERISTICS AND EARTHING ARRANGEMENTS							
Earthing arrangements		Number and Type of Live Conductors		Nature of Supply Parameters		Supply Protective Device	
TN-C	<input type="checkbox"/>	a.c. <input checked="" type="checkbox"/>	d.c. <input type="checkbox"/>	Nominal voltage, $U / U_0^{(1)}$	230 V	BS (EN)	SEALED
TN-S	<input type="checkbox"/>	1-phase, 2-wire	2-wire	Nominal frequency, $f^{(1)}$	50 Hz	Type	SEALED
TN-C-S	<input checked="" type="checkbox"/>	2 phase, 3-wire	3-wire	Prospective fault current, $I_p^{(2)}$	1.27 kA	Rated current	SEALED A
TT	<input type="checkbox"/>	3 phase, 3-wire	Other	External loop impedance, $Z_{e1}^{(2)}$	0.19 $\Omega$		
IT	<input type="checkbox"/>	3 phase, 4-wire		(Note: (1) by enquiry (2) by enquiry or by measurement)			
		Confirmation of supply polarity		<input checked="" type="checkbox"/>			
Other sources of supply (as detailed on attached schedule) <input type="checkbox"/>							
SECTION J. PARTICULARS OF INSTALLATION REFERRED TO IN THE REPORT							
Means of Earthing		Details of Installation Earth Electrode (where applicable)					
Distributor's facility	<input checked="" type="checkbox"/>	Type	NONE				
Installation earth electrode	<input type="checkbox"/>	Location	NONE				
		Resistance to Earth	NONE $\Omega$				
Main Protective Conductors							
Earthing conductor		Material	COPPER	CSA	16	mm <sup>2</sup>	Connection / continuity verified <input checked="" type="checkbox"/>
Main protective bonding conductors (to extraneous-conductive-parts)		Material	COPPER	CSA	10	mm <sup>2</sup>	Connection / continuity verified <input checked="" type="checkbox"/>
To water installation pipes		<input checked="" type="checkbox"/>	To gas installation pipes	<input checked="" type="checkbox"/>	To oil installation pipes	<input type="checkbox"/>	To structural steel
To lightning protection		<input type="checkbox"/>	To other	<input type="checkbox"/>	Specify		
Main Switch / Switch-Fuse / Circuit-Breaker / RCD							
Location		ENTRANCE HALL		Current rating	10.0 A		
BS (EN)		5486 PT13		Fuse / device rating or setting	100 A		
No of poles		2		Voltage rating	250 V		
				If RCD main switch			
				Rated residual operating current ( $I_{\Delta n}$ )			
				30 mA			
				Rated time delay			
				40 ms			
				Measured operating time (at $I_{\Delta n}$ )			
				30 ms			
SECTION K. OBSERVATIONS							
Referring to the attached schedules of inspection and test results, and subject to the limitations specified at the Extent and limitations of inspection and testing section							
No remedial action is required <input type="checkbox"/> The following observations are made <input checked="" type="checkbox"/> (see below):							
OBSERVATION(S) Include schedule reference, as appropriate							CLASSIFICATION CODE
IR Low on Downstairs Circuit (Sockets) WITHIN TOLERANCE / STANDARD							C3
One of the following codes, as appropriate, has been allocated to each of the observations made above to indicate to the person(s) responsible for the installation the degree of urgency for remedial action:							
C1 - Danger present. Risk of injury. Immediate remedial action required							
C2 - Potentially dangerous - urgent remedial action required							
C3 - Improvement recommended							
FI - Further investigation required without delay							

# **CONDITION REPORT INSPECTION SCHEDULE FOR DOMESTIC AND SIMILAR PREMISES WITH UP TO 100 A SUPPLY**

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

OUTCOMES	Acceptable condition	✓	Unacceptable condition	State C1 or C2	Improvement recommended	State C3	Further investigation	FI	Not verified	NV	Limitation	LIM	Not applicable	N/A
ITEM NO	DESCRIPTION										OUTCOME (Use codes above. Provide additional comment where appropriate. C1, C2, C3 and FI coded items to be recorded in Section K of the Condition Report)			
<b>1.0</b>	<b>DISTRIBUTOR'S / SUPPLY INTAKE EQUIPMENT</b>													
1.1	Condition of service cable										✓			
1.2	Condition of service head										✓			
1.3	Condition of distributor's earthing arrangement										✓			
1.4	Condition of meter tails - Distributor/Consumer										✓			
1.5	Condition of metering equipment										✓			
1.6	Condition of Isolator (where present)										N/A			
<b>2.0</b>	<b>PRESENCE OF ADEQUATE ARRANGEMENTS FOR OTHER SOURCES SUCH AS MICROGENERATORS (551.6; 551.7)</b>													
<b>3.0</b>	<b>EARTHING / BONDING ARRANGEMENTS (411.3; Chap 54)</b>													
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 connection where applicable (542.1.2.3)										N/A			
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 other protective bonding connections (543.3.2)										✓			
<b>4.0</b>	<b>CONSUMER UNIT(S) / DISTRIBUTION BOARD(S)</b>													
4.1	Adequacy of working space/accessibility to consumer unit/distribution board (132.12; 513.1)										✓			
4.2	Security of fixing (134.1.1)										✓			
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 (421.1.201; 526.5)										N/A			
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 at or near consumer unit/distribution board (514.12.2)										✓			
4.11	Presence of non-standard (mixed) cable colour warning notice at or near consumer unit/distribution board (514.14)										N/A			
4.12	Presence of alternative supply warning notice at or near consumer unit/distribution board (514.15)										N/A			
4.13	Presence of other required labelling (please specify) (Section 514)										✓			
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 switching of 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)										N/A			
4.19	RCD(s) provided for additional protection - includes RCBOs (411.3.3; 415.1)										✓			
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)										✓			
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			



OUTCOMES	Acceptable condition	✓	Unacceptable condition	State C1 or C2	Improvement recommended	State C3	Further investigation	FI	Not verified	NV	Limitation	LIM	Not applicable	N/A
ITEM NO	DESCRIPTION										OUTCOME (Use codes above. Provide additional comment where appropriate. C1, C2, C3 and FI coded items to be recorded in Section K of the Condition Report)			
<b>5.0</b>	<b>FINAL CIRCUITS</b>													
5.1	Identification of conductors (514.3.1)										✓			
5.2	Cables correctly supported throughout their run (522.8.5)										✓			
5.3	Condition of insulation of live parts (418.1)										✓			
5.4	Non-sheathed cables protected by enclosure in conduit, ducting or trunking (523.10.1)										✓			
	● To include the integrity of conduit and trunking systems (metallic and plastic)										✓			
5.5	Adequacy of cables for current-carrying capacity with regard for the type and nature of installation (Section 523)										✓			
5.6	Coordination 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; 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) (522.6.202)										LIM			
5.11	Cables concealed under floors, above ceilings or in walls/partitions, adequately protected against damage (see Section D, Extent and limitations) (522.6.204)										LIM			
5.12	Provision of additional protection by RCD not exceeding 30 mA:										✓ NOT ALL SOCKETS			
	● for all socket-outlets of rating 20 A or less, unless an exception is permitted (411.3.3)										N/A			
	● for supply to mobile equipment not exceeding 32 A rating for use outdoors (411.3.3)										LIM			
	● for cables concealed in walls at a depth of less than 50 mm (522.6.202; 522.6.203)										LIM			
	● 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)										LIM			
5.15	Cables segregated / separated from communications cabling (528.2)										LIM			
5.16	Cables segregated / separated from non-electrical services (528.3)										LIM			
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 (612.2)										✓			
5.20	Adequacy of working space/accessibility to equipment (132.12; 513.1)										✓			
5.21	Single-pole switching or protective devices in line conductors only (132.14.1; 530.3.2)										✓			
<b>6.0</b>	<b>LOCATION(S) CONTAINING A BATH OR SHOWER</b>													
6.1	Additional protection for all low voltage (LV) circuits by RCD not exceeding 30 mA (701.411.3.3)										✓			
6.2	Where used as a protective measure, requirements for SELV or PELV met (701.414.4.5)										✓			
6.3	Shaver sockets comply with BS EN 61558-2-5 formerly BS 3535 (701.512.3)										✓			
6.4	Presence of supplementary bonding conductors, unless not required by BS 7671:2008 (701.415.2)										✓			
6.5	Low voltage (e.g. 230 volt) socket-outlets sited at least 3 m from zone 1 (701.512.3)										✓			
6.6	Suitability of equipment for external influences for installed location in terms of IP rating (701.512.2)										✓			
6.7	Suitability of accessories and controlgear etc. for a particular zone (701.612.3)										N/A			
6.8	Suitability of current-using equipment for particular position within the location (701.55)										✓			
<b>7.0</b>	<b>OTHER PART 7 SPECIAL INSTALLATIONS OR LOCATIONS</b>													
7.1	List all other special installations or locations present, if any. (Record separately the results of particular inspections applied.)										N/A			

Inspected by: D Love  
Name (Capitals)

Signature: [Signature]

Date: 28/11/2017

DB reference no <u>MAIN</u>				Details of test instruments used (state serial and/or asset numbers)									
Location <u>EXCHANGE HALL</u>				Continuity <u>2005 77</u>									
Zs at DB (Ω) <u>0.122</u>				Insulation resistance <u>MEGGER</u>									
Ipf at DB (kA) <u>1.27</u>				Earth fault loop impedance <u>Test 500</u>									
Correct supply polarity confirmed <input checked="" type="checkbox"/>				RCD <u>MEGGER</u>									
Phase sequence confirmed (where appropriate) <input type="checkbox"/>				Earth electrode resistance <u>None</u>									
Tested by: <u>DAVID COVE</u> Name (Capitals) <u>David Cove</u> Signature <u>[Signature]</u> Date <u>29/11/2017</u>				Test results									
Circuit details				Remarks (continue on a separate sheet if necessary)									
Circuit number	Circuit Description	BS (EN)	Overcurrent device				Zs (Ω)	RCD (ms)					
			rating (A)	breaking capacity (kA)	Reference Method	Live (mm²)			cpc (mm²)				
1	SHOWER	3571	45	6	A	6	2.5	0.11	0.23	30	22	✓	Test button operation
2	COOKER	3571	32	6	A	6	2.5	0.10	0.22	✓	✓	✓	
3	IMMERSION	3571	16	6	A	2.5	1.5	0.17	0.45	✓	✓	✓	
4	LIGHTS + BELL	3571	5	6	A	1.5	1	0.23	0.57	✓	✓	✓	
5	SMOKE ALARM	3571	5	6	A	1	1	0.22	0.55	✓	✓	✓	
6	SOCKETS UP	3571	32	6	A	2.5	1.5	0.13	0.39	✓	✓	✓	
7	SOCKETS DOWN	3571	32	6	A	2.5	1.5	0.11	0.42	✓	✓	✓	



SCOTTISH  
QUALIFICATIONS  
AUTHORITY

This is the SELECT accreditation  
reference to the ongoing Student  
of Design dated 30 April 2015  
JBC  
Lynette Funder Chair



---

This document is issued to certify  
that in October 2017

**David Love**

attained the

**Customised Award**

**Inspection & Testing of Electrical Installations to BS  
7671 (Including Periodic Inspection & Testing)**

---

Chief Executive  
Scottish Qualifications Authority

Managing Director  
SELECT

Code: GH15 04  
SCN: 940720338

scottish credit and  
qualifications framework

