

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Sections 25(1) and 60

Chamber Ref: FTS/HPC/RP/17/0442

Andrew Bulman, formerly residing at 49 Bolivar Terrace, Glasgow G42 9AT (hereinafter referred to as “the Tenant”)

Geraldine Haldane, 19 Huntley Gardens, Blantyre, South Lanarkshire G72 (hereinafter referred to as “the Landlord”)

Tribunal Members

John McHugh, Chairperson

Greig Adams, Ordinary (Surveyor) Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the work required by the Repairing Standard Enforcement Order dated 13 April 2018 (“the RSEO”) had been completed and resolved to issue a Certificate of Completion of Work.

The decision of the Tribunal Members was unanimous.

Background

The RSEO required the Landlord to complete the following work within 180 days of service of the RSEO:

1 To carry out works so that the interior of the House is rendered reasonably free of penetrating dampness.

2 To repair the hole in the hall ceiling adjacent to the sky light.

Reasons for the Decision

On 20 July 2018, the Surveyor Member of the Tribunal re-inspected the Property and made the following findings:

1 Various works had been undertaken to the property including removal of a chimneystack, repair of downpipes, repair to wallhead concealed gutter, mortar works to hip and ridge tiles, venting of chimneystacks and various internal plastering works.

Elevated moisture meter readings were recorded within the Kitchen , within the boiler compartment behind an area of tiles and at high level to the gable wall. Outwith these areas previously damp areas were found to be within acceptable levels.

Further elevated moisture readings were recorded to the First Floor Bedroom at the separating wall with the adjoining property in an area of paint flaking whilst the Rear Bedroom at mezzanine level to the left of the window affecting a small area.

No elevated readings were recorded within the Rear Ground Floor Dining Room.

2. Patch repair works had been progressed to the former hole adjacent to the skylight.

The Tribunal considers that the remaining small areas of dampness do not provide a cause for concern and would not breach the repairing standard. Accordingly, the Tribunal decides that the works required by the RSEO have been completed.

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.

Signed

John McHugh

Date30 August 2018.....

Chairperson