

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Statement relative to Certificate of Completion of Work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal')**

**Under section 60 of the Housing (Scotland) Act 2006**

**Case Reference Number: FTS/HPC/RP/19/3893**

**Re: Flat 0/1, 22 Seedhill Road, Paisley PA1 1RU ("the house")**

**Land Register Title No: REN15462**

**The Parties:-**

**Ms Lesley Edgar, formerly residing at the house ("the former tenant")**

**Mrs Mandy Thomson, Festival Business Park, 150 Brand Street, Glasgow G51 1DH ("the landlord")**

**Tribunal Members – Sarah O'Neill (Legal Member) and Mike Links (Ordinary Member, Surveyor)**

### **Background**

1. The tribunal issued a Repairing Standard Enforcement Order (RSEO) in relation to the house on 5 August 2021. The RSEO required the landlord to:
  - 1) Instruct a suitably qualified specialist surveyor to produce a dampness report in respect of the house, including investigation of any issues contributing to the rising and /or penetrating damp which may have originated from the flat above or elsewhere within the tenement building. The report should detail any remedial works required in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.
  - 2) Send to the tribunal, for approval, the specialist dampness report required at 1) above.

- 3) Once a satisfactory report, and the works specified within it, have been approved by the tribunal, to instruct the specialist surveyor to carry out the works recommended in the report, in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.
- 4) On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

The tribunal ordered that all of the works must be carried out and completed within the period of two months from the date of service of the RSEO.

2. The tribunal attended the house on 2 November 2021 with the intention of carrying out a re-inspection. Mr John Thomson, the landlord's husband (and co-owner) was present on behalf of the landlord. The tribunal noted that the property was empty and that the works were clearly still underway. The tribunal did not therefore carry out a full re-inspection of the house.
3. An email was received from Mr Thomson on 3 November 2021, attaching a report from O.D.C. Ltd (Preservation Division) dated 2 November 2021 in respect of the dampness issues at the house. In the email, Mr Thomson said that the contractor had indicated that it would take a further two weeks to complete the works. On 15 November 2021, a further email was received from Mr Thomson stating that the remedial works had now been completed.
4. The tribunal agreed on 20 November 2021 to vary the RSEO to extend the period for the completion of the works until 5 December 2021.
5. The tribunal carried out a further re-inspection of the house on 12 January 2022. It found that the works in the RSEO had been undertaken, with the exception of item 2. However, the walls in the living room and rear bedroom were not fully dried out. Areas of dampness were noted in these two rooms. The house was therefore not yet wind and watertight. The tribunal again varied the RSEO on 28 January 2022 to extend the period for the completion of the works until 25 February 2022.
6. The tribunal re-inspected the house on 17 May 2022. Mr Thomson was present at the re-inspection. The tribunal found that the areas of damp in the bedroom and living room previously advised in the re-inspection report dated 13<sup>th</sup> January 2022 had been successfully treated and were now dry. Further areas of dampness, which were not evident during the inspection on 13<sup>th</sup> January 2022, were however noted in the living room. Consequently, the house was not yet wind and watertight.

7. Mr Thomson assured the tribunal at the re-inspection that he would address the further areas of dampness very quickly. The tribunal was aware that the house had now been empty for some time, and that the landlord was keen to sell it as soon as possible. The tribunal therefore agreed to arrange a further re-inspection very soon.
8. The tribunal carried out a final re-inspection of the house on 13 June 2022. Mr Thomson was again present. The tribunal found that the remaining areas of dampness had dried out, and that the house was therefore now wind and watertight. It also found that all affected finishes and decoration had been restored to an acceptable standard.
9. The tribunal noted in relation to item 2 of the RSEO that while the landlord had obtained a satisfactory dampness report in respect of the house, this had not been sent to the tribunal for approval. It had only been sent to the tribunal after the works had commenced.
10. The tribunal was satisfied however that despite this, the required works had been done. It therefore determined on the basis of all the evidence before it that the works required by the RSEO have been completed satisfactorily, and that the appropriate Certificate of Completion in terms of section 60 of the Act should be issued.

### **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.

S O'Neill

Signed..... Date: 13 June 2022  
Sarah O'Neill, Chairperson