

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 Section 60

Chamber Ref: FTS/HPC/RP/20/1532

Blackcraig Farm, Dechmont, Broxburn, EH52 6NB (“the Property”)

Sasine ref: Farm and lands of Blackcraig, extending to 179 acres in the Parish of Ecclesmachan, referred to in the disposition in favour of James Cradock and another, recorded GRS West Lothian 15 March 1935

The Parties:-

Mr Ian and Mrs Campbell, formerly residing at the Property (“the Tenants”)

George Watson & Co (“the Landlord”) represented by Messrs Davidson & Robertson, 62 Bannantyne Street, Lanark, ML11 7JS (“the Landlord’s agents”)

Tribunal Member:

**Maurice O’Carroll, Legal Member and Chairman
Greig Adams, Ordinary Member (Surveyor)**

Background

1. On 7 March 2022, the First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) determined that the landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (‘The Act’) and in particular that the landlord has failed to ensure that the Property was not wind and watertight and in all other respects reasonably fit for human habitation as required by section 13(1)(a) of the Act.
2. A Repairing Standard Enforcement Order (RSEO) was therefore signed on 11 March 2022 and issued to the parties on 15 March 2022.
3. The works required further to the RSEO were as noted below. The Landlord was required to:-
 - (a) Carry out all works to the interior and exterior of the Property to ensure that it is watertight, free of dampness and fit for human habitation.

4. The Tribunal further required that the works specified in the RSEO were to be carried out and completed by 31 May 2022.

Re-inspection

5. A re-inspection of the Property was carried out on 24 June 2022 by the Chairman and the Ordinary Surveyor member.
6. In advance of the re-inspection, the Landlord's agents provided the Tribunal with copies of the following:
 - A photographic record of the state of the Property prior to the works being carried out dated 12 April 2022
 - An invoice from Matheson Damp Services dated 5 April 2022 for remedial works to combat rising damp
 - An invoice and guarantee for 30 years from Kingfisher Building Products Ltd dated 31 May and 20 June 2022 in respect of works completed on 12 April 2022.
 - Invoices for a roof inspection and remedial works carried out by James P Morris and Sons dated 9 May 2022.
7. Both Tribunal members inspected the entire property. The surveyor member took thermal readings to check for dampness. An elevated inspection camera was used in order to inspect the roof.

Decision of the Tribunal

8. In light of the documentary evidence received and in light of its own observations at the re-inspection, the Tribunal determined that the RSEO had been timeously complied with in full.
9. The Tribunal therefore decided to issue a Certificate of Compliance in terms of section 60 of the Act and to cause the same to be registered in the Sasine Register.
10. No further action on the part of the Landlord is required further to the RSEO.

Right of Appeal

11. **A landlord or tenant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.**

M O'Carroll

Signed

Date: 24 June 2022

Legal Member and Chair