

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Statement of Decision: Housing (Scotland) Act 2006 Section 60**

**Chamber Ref: FTS/HPC/RP/21/0825**

**Title Number: GLA170509**

**Flat 2/2 18 Melrose Gardens, Glasgow, G20 6RA (“the Property”)**

**Parties:**

**Emma McCormick, Christopher McKechnie, Flat 2/2 18 Melrose Gardens, Glasgow, G20 6RA (“the former Tenants”)**

**Robert Dougall, Paula Rogers, 25 Penrith Avenue, Giffnock, Glasgow G46 6LU (“the Landlords”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

**Carol Jones (Ordinary 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 (“RSEO”) relative to the property dated 27 September 2021, determined that the Landlord has complied with the order and that a certificate of completion to that effect should be issued.**

**Background**

1. On 5 April 2021, the Tenants lodged an application with the Tribunal in terms of Section 22 of the Housing (Scotland) Act 2006. The Tenants stated that the Landlords had failed to meet the repairing standard in relation to the property.
2. Following an inspection of the property on 2 September 2021 and a hearing by telephone conference call on 9 September 2021, the Tribunal issued an RSEO in relation to the property dated 27 September 2021. In terms of the RSEO the Landlord is required (i) To instruct a suitably

qualified roofing contractor to investigate the cause of water ingress and carry out any recommended remedial work to prevent any further water ingress, and (ii) To instruct a suitably qualified window contractor to inspect the living room and bedroom windows and carry out any necessary repairs to ensure that the property is wind and watertight and that the windows are in proper working order; or replace the windows. The Order requires the work to be completed within three months of the Order being issued to the parties.

3. On 4 and 28 October 2021, the Landlord submitted further information and a request for variation of the RSEO. He provided an update on the work required by the RSEO. He said that repairs had been carried out to the roof in June 2021 on the instructions of the Property Factor. This had addressed water ingress at the property. Further work was carried out in relation to a leakage from the front downpipe and water cascading from the gutter which occurred during heavy rain in August 2021. A blockage in the downpipe was cleared. This work was completed on 4 October 2021. The Landlord also advised the Tribunal that he had decided to replace the windows. He provided copies of emails between the letting agent and a window contractor which appeared to confirm that the contractor had been instructed to replace the windows and that this was likely to take 10 to 12 weeks, plus an additional 2 weeks to cover the Christmas holiday period. The Landlord advised that the work should be completed by early February 2022. The Tenant was invited to lodge written representations regarding the Landlord's request but did not do so. The Tribunal granted a variation of the RSEO, extending the time allowed for completion of the work until 28 February 2022.
4. On 25 February 2022 the Landlord submitted further information together with invoices and photographs of replacement windows. On 7 March 2022 the Tenants notified the Tribunal that they had vacated the property and the tenancy had been terminated. They were advised that they would no longer be a party to the application.
5. The Tribunal re-inspected the property on 16 March 2022. Access was provided by the Landlord. The Tribunal noted that new windows have been installed in both bedrooms and the living room. These appeared to be in full working order. The Tribunal also noted that there was no evidence of water ingress in any of the rooms and that damp meter readings were all within normal levels. A re-inspection report was issued to the Landlord to allow him to comment. He did not provide a response.

### **Reasons for decision**

6. The Tribunal considered the information and documents submitted by the Landlord and the condition of the property at re-inspection.
7. Part 1 of the RSEO stipulates that the Landlord is to instruct a roofing contractor to investigate and carry out recommended repairs to address water ingress at the property. The main roof repair work referred to by

the Landlord was actually carried out in June 2021, before the Tribunal inspected the property and issued the RSEO. However, prior to the inspection of the property in September 2021, the Tenants had experienced water ingress during heavy rain. The Landlord has provided the Tribunal with evidence that further work was undertaken to address this issue which involved clearing a blockage in the downpipe. No further incidents of water ingress were reported by the Tenants prior to their departure from the property on 27 February 2022. No evidence of dampness or water ingress were noted when the Tribunal re-inspected the property on 16 March 2022. The Tribunal is satisfied that the Landlord has complied with Part 1 of the RSEO.

8. Part 2 of the RSEO requires the Landlord to repair or replace the windows in the bedrooms and the living room. The Landlord has replaced the windows and provided evidence of this in the form of an invoice from the contractor. At the re-inspection the Tribunal noted that new windows have been installed and these are in full working order. The Tribunal is satisfied that the Landlord has complied with Part 2 of the RSEO.

### **Decision**

9. The Tribunal determined that the Landlord has complied with the RSEO and that a certificate of completion should be issued.
10. The decision of the Tribunal is unanimous.

### **Right of Appeal.**

**A Landlord, Tenant or Third-party applicant 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.**

In terms of Section 63 of the Act, 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 Bonnar

Josephine Bonnar, Legal Member: