

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION OF THE HOUSING AND PROPERTY CHAMBER OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND UNDER SECTION 60(5) OF THE HOUSING (SCOTLAND) ACT 2006

Chamber Ref: FTS/HPC/RP/21/2225

Title no: LAN176957

2 Cumbrae Drive, Motherwell ML1 3LG
("the Property")

The Parties:-

Miss Alana Watson, residing at 2 Cumbrae Drive, Motherwell ML1 3LG
("the Tenant")

Mr Paul Gordon and Ms Lynne Jenkinson, 137 Glencoe, Whitburn,
Bathgate EH47 8AS
("the Landlords")

The Tribunal

Richard Mill (Legal Member)
Sara Hesp (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Landlords have complied with the Repairing Standard Enforcement Order in respect of the Property made on 2 December 2021 and that a Certificate of Completion should be issued in terms of Section 60(5) of the Housing (Scotland) Act 2006.

Reasons

1. In terms of the decision of the Tribunal, and corresponding Repairing Standard Enforcement Order (RSEO), both dated 2 December 2021, the Tribunal required the Landlords:-
 1. To instruct a specialist survey in respect of the high levels of damp found in the living room of the property, to produce a

written report in respect of same and, if necessary, to carry out works recommended, including redecoration.

2. To repair the plumbing, tiles, grouting and silicone, in the shower cubicle in the bathroom; or alternatively replace same.
 3. To redecorate the kitchen ceiling.
2. The Tribunal re-inspected the property on 28 March 2022. The Tenant allowed entry to the Tribunal members. Both Landlords were also present. Covid-19 precautions and protocols were followed. All parties advised the Tribunal members that they were satisfied that the works required in terms of the RSEO had been completed.
3. Reference is made to the corresponding Schedule of Photographs taken at the time of the Tribunal's re-inspection. At the time of the re-inspection on 28 March 2022 the following was found:-
1. The walk in shower cubicle in the bathroom had been replaced, including the installation of new wet walls and the renewal of all silicone.
 2. The kitchen ceiling had been replastered and painted.
 3. The living room wall, previously found to have high levels of damp, had been re-plastered and decorated. Damp readings were found to be within normal parameters.
4. The Tribunal was satisfied on the basis of the evidence of the condition of the property at the time of the re-inspection on 28 March 2022 that there were no outstanding issues arising from the RSEO. The Tribunal also had regard to the documentary evidence produced prior to the re-inspection from both parties and, in particular, the reports and receipts issued by the tradesmen instructed by the Landlords in respect of the works undertaken. This included a detailed report by JDN Property Services regarding the damp identified in the living room wall and the steps taken to remedy same. The Tribunal accordingly determined that the Landlords have fully complied with the RSEO made on 2 December 2021 and that a Certificate of Completion should in the circumstances be issued.

Right of Appeal

5. 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.

9. 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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 30 March 2022 before this witness:-

Legal Member

Witness .

Cathy McArthur Name

69-71 Dalry Road Address

Edinburgh

EH11 2AA

Housing and Property Chamber First-tier Tribunal for Scotland



Schedule of photographs



Street view / Front elevation

Property 2 Cumbrae Drive, Motherwell ML1 3LG

Ref No: FTS/HPC/RP/21/2225

Tribunal members Legal Chair: Mr R Mill
Ordinary (Surveyor Member): Mrs S Hesp

Purpose of inspection

The purpose of the inspection is to prepare a record of the position at the property, specifically as it relates to the items raised in the application and any issues arising therefrom.

Access

The above Tribunal Members attended the property at 11.30 am on 28 March 2022. Also in attendance were the landlords, Mr P Gordon and Ms L Jenkinson, and the tenant, Ms A Watson.

Sara Hesp

Ordinary (Surveyor) Member
First-Tier Tribunal for Scotland
28 March 2022

Appendix 1: Schedule of photographs taken during inspection on 28 March 2022



Photograph 1: Shower cubicle



Photograph 2: Shower tray



Photograph 3: Kitchen ceiling



Photograph 4: Carbon monoxide detector laid on top of boiler



Photograph 5: Living room wall (damp meter shows moisture levels not excessive)



Photograph 6: Living room wall (damp meter shows moisture levels not excessive)