

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **DETERMINATION BY FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)**

**Statement relative to the Certificate of Completion of work issued by the First-tier tribunal for Scotland (Housing and Property Chamber) under section 60 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RT/18/0382**

**Title number: Subjects registered in the Land Register of Scotland under title number LAN139572**

**House address: 44 Bartonhall Road, Waterloo, Wishaw, ML2 8EP ('the House')**

#### **The Parties**

**North Lanarkshire Council, Regulatory Services & Waste Solutions, Municipal Buildings, Kildonan Street, Coatbridge, ML5 3LF ('the Third Party Applicant')**

**Ms Christine James, 8 Rosshall Place, Renfrew, PA4 0BA, represented by Mr John Sparks ('the Landlord')**

**Ms Amanda Forrest residing at 44 Bartonhall Road, Waterloo, Wishaw, ML2 8EP ('the Tenant')**

#### **Tribunal Members**

**Ms Helen Forbes (Legal Member)**

**Mr Robert Buchan (Ordinary Member)**

#### **Decision**

1. Further to a decision of the Private Rented Housing Tribunal dated 16<sup>th</sup> May 2018, the Tribunal issued a Repairing Standard Enforcement Order ("RSEO") relative to the House and dated 24<sup>th</sup> April 2018. The RSEO required the Landlord to:
  1. Repair or replace the roof to ensure that it is wind and watertight, thus rendering the interior of the House reasonably fit for human habitation;

2. Replace any affected insulation, and any defective plasterboard in the ceilings and any other area affected by mould or dampness, to alleviate condensation and dampness affecting the interior of the House, thus rendering the House reasonably fit for human habitation;
3. Reposition the carbon monoxide detector so that it meets the requirements of the Act;
4. Attend to the electrical item highlighted as "C3" in the EICR and to provide a satisfactory electrical certificate confirming that the smoke and heat detectors are correctly installed to meet the requirements of the Act;
5. Make good any damage caused by carrying out any work for the purposes of complying with the duty imposed by Section 14(1)(b) of the Act, in particular any re-plastering and redecoration of affected areas.

The Committee ordered that the works specified in the RSEO must be carried out and completed within a period of 12 weeks from the date of service of the RSEO, which was 16<sup>th</sup> May 2018.

2. By email dated 31<sup>st</sup> July 2018, the Landlord's representative informed the Tribunal that work to the roof was likely to be completed by 27<sup>th</sup> August 2018.
3. The Tribunal considered that, in all the circumstances of the case, it would be reasonable to vary the RSEO to allow a further period for the completion of work to the roof. The Tribunal accordingly varied the RSEO on 6<sup>th</sup> August 2018 to extend the period for the completion of the works by four weeks.
4. A re-inspection was carried out by the Ordinary Member on 28<sup>th</sup> September 2018. The re-inspection report is annexed hereto. The Ordinary Member found that items 3 and 4 of the RSEO had not been complied with.
5. By email dated 23<sup>rd</sup> November 2018, the Landlord's representative provided a satisfactory EICR to the Tribunal and confirmed that both items 3 and 4 had been complied with.
6. By email dated 29<sup>th</sup> November 2018, the Tenant stated the following:

*'I am satisfied with all the repairs that has been to the property but I'm still not happy with the condensation problem I'm having on all the windows in the house this is still causing bad asthma attacks to my son and the wall Under the living room window is getting worse showing signs of a hole forming there. The new roof has been very affective with the dampness in the house but it hasn't alleviated the condensation. Mr sparks has told me they are getting double glazing but I still don't have a date for this yet.'*

The email was circulated by the Tribunal to the Landlord for comment on 6<sup>th</sup> December 2018 requesting a response by 12<sup>th</sup> December 2018. No response was received.

7. The Tribunal attended at the House on 2<sup>nd</sup> April 2019. The Tribunal found evidence of condensation. The Landlord's representative advised that the Landlord had planned to replace the single-glazed windows with new double-glazed windows, but this was taking longer than anticipated. However, this work was in hand and was expected to be carried out shortly. The Tribunal further varied the RSEO to extend the period allowed for the completion of the works required by the RSEO to 1<sup>st</sup> July 2019.
8. A further re-inspection of the House by the Ordinary Member took place on 1<sup>st</sup> July 2019. The re-inspection report is annexed hereto. The Ordinary Member found that the RSEO had been complied with.
9. The Tribunal considered whether or not it was appropriate to find that the works required by the RSEO had been completed and the appropriate Certificate of Completion in terms of section 60 of the 2006 Act should be issued. The Tribunal agreed that the appropriate Certificate should be issued.

### **Right of Appeal**

- 10. A landlord, tenant or third party Applicant 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.**

### **Effect of section 62 of the 2006 Act**

11. Where such an appeal is made, the effect of the decision and the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decisions and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

H Forbes

Chairperson  
First Tier Tribunal for Scotland (Housing and Property Chamber)  
Date: 9<sup>th</sup> August 2019