

Housing and Property Chamber

First-tier Tribunal for Scotland



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: PRHP/RP/16/0295

Re: 1 Essex Road, Greenock PA16 0JJ ("the house")

Land Register Title No: REN50262

The Parties:-

Mr Martin Allan, formerly residing at the house ("the former tenant")

Priya Properties Limited, having its registered office at 1 Mansion Avenue, Port Glasgow PA14 6QP ("the landlord")

Tribunal Members:

Sarah O'Neill (Chairperson) and Mike Links (Ordinary Member, Surveyor)

Background

1. The tribunal issued a Repairing Standard Enforcement Order (RSEO) in relation to the house on 1 May 2017. The RSEO required the landlord to:
 1. Instruct a suitably qualified contractor to investigate the cause of the dampness along the bedroom wall next to the chimney, and to carry out such works as are necessary to treat the dampness, in order to ensure that the bedroom is wind and watertight and otherwise reasonably fit for habitation.
 2. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.
2. Arrangements were made on three occasions to re-inspect the house following the expiry of the period to complete the works, but the ordinary (surveyor) member of the tribunal was unable to obtain access to the house in order to

establish whether the repairs had been carried out. The tribunal issued a Failure to Comply Decision on 21 December 2017. At the request of Mr Simon Boparai, a director of the landlord company, a further re-inspection was arranged for 31 May 2018, but was not carried out because the landlord did not confirm that access would be granted for the reinspection to take place.

3. On 9 November 2020, an email was received from Mr Boparai, stating that he was happy to facilitate access to the house for a re-inspection 'as per Covid guidelines whenever it is convenient for you'. The email response from the tribunal administration dated 19 November 2020 asked Mr Boparai to confirm whether the repairs had now been completed. An email was received from Mr Boparai in response on 3 December 2020, attaching photographs of the outside of the chimney at the house which showed that the chimney has been re-rendered and a new tile fitted on the roof slope.

The case management discussion

4. The tribunal held a case management discussion (CMD) on 21 January 2021 by telephone conference call, to discuss whether a re-inspection of the house was necessary and to gather any further information which was needed to take matters forward. Mr Boparai was present and represented the landlord. He told the tribunal that the repairs had been completed some time ago.
5. The ordinary (surveyor) member observed at the CMD that the photographs submitted by Mr Boparai appeared to show that the external waterproofing works had been carried out to the chimney. He explained that it was necessary, however, for him to re-inspect the bedroom internally and take new dampness readings, in order to be satisfied that the dampness issue had been resolved, and that the bedroom was wind and watertight.
6. Unfortunately given the circumstances, it was not at that time possible to schedule an inspection, due to the continuing effects of the COVID-19 pandemic and the current government restrictions which were in place. Mr Boparai was assured that a re-inspection would be arranged as soon as it was possible to do so.
7. The tribunal carried out a re-inspection of the house on 9 June 2021. A copy of his re-inspection report dated 9 June 2021 is attached to this statement of reasons. The surveyor member of the tribunal found that:
 - The chimney head had been re-rendered and a new tile replaced on the roof slope.
 - Internally, the bedroom wall was in good decorative order.
 - Numerous damp moisture meter readings were taken on the bedroom wall and ceiling. All readings were between 0.5% and 0.8%. which indicated that the area is free of damp.

8. The tribunal 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.....
Sarah O'Neill, Chairperson

Date 17 June 2021