

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

Chamber Ref: RP/16/0270

Title No: WLN36195

**76 Church Court
Philpstoun
Linlithgow
EH49 6RB**

(“The Property”)

The Parties:-

**Ms Elena Bader, residing at 76 Church Court, Philpstoun, Linlithgow
EH49 6RB**

(“the Tenant”)

**Mrs Shona Mann, residing at 6 Sowdley Green, Wheaton Aston, Stafford,
ST19 9QB**

(“the Landlord”)

Tribunal Members

Paul Doyle	Legal Member
Greig Adams	Ordinary Member

Decision

1 On 5 January 2017, the Private Rented Housing Committee (now **First-tier Tribunal for Scotland (Housing and Property Chamber)**) issued a decision requiring the landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 5 January 2017 (“The RSEO”)

2. The RSEO required the Landlord to carry out the following works

(a) repair or replace the render to each of the external walls of the property to make the property wind and watertight

(b) to investigate and eliminate the water ingress around the windows on the ground and first floors to the front of the property and ensure that every window in the property has a watertight seal.

(c) when the property is wind and watertight, and the interior walls have dried out, to remove the damp staining from the interior walls of the living room and first floor front bedroom and to redecorate the living room and front bedroom when the remedial works are completed.

All within 8 weeks of the date of service of service of the order.

3. On 23 July 2018 the ordinary member of the tribunal re-inspected the property. When he re-inspected the property, the ordinary member found that the works required by the RSEO had been completed. A copy of the ordinary members report is attached hereto. The report was circulated to the parties, neither of whom raise any challenge to the terms of the report.

4. After the inspection and the period of consultation with parties, and placing reliance on the ordinary member's unchallenged report, the Tribunal is satisfied that the works required by the Repairing Standard Enforcement Order have been carried out and that the Repairing Standard Enforcement Order had been complied with.

5. In the circumstances, the Tribunal is satisfied that all works required by the Repairing Standard Enforcement Order had been carried out satisfactorily. Accordingly, the Tribunal decided to grant a certificate of completion.

6. 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.

7. 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.

Paul Doyle

Signed
Legal Member

5 September 2018

Housing and Property Chamber First-tier Tribunal for Scotland



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

Re-Inspection Report

Chamber Ref: RP/16/0270



76 Church Court , Philipstoun, Linlithgow, EH49 6RB (“The Property”)

Title no: WLN21240

The Parties:-

Ms Elena Bader, residing at 76 Church Court, Philipstoun, Linlithgow, EH49 6RB (“the former Tenant”)

Mrs Shona Mann, residing at 6 Sowdley Green, Wheaton Aston, Stafford, ST19 9QB (“the Landlord”)

Tribunal Members

Paul Doyle	Legal Member
Greig Adams	Ordinary Member

Background: The subject property was initially inspected on 9 December 2016 by a full Committee of the First-tier Tribunal for Scotland (Housing and Property Chamber) and as a result, a Repairing Standard Enforcement Order was served. A further inspection was undertaken on 6 April 2017 and a Re-inspection report produced outlining that works had not been undertaken in compliance with the RSEO. A Statement of Decision was subsequently issued. The former Tenant is on longer living within the accommodation and is not an active party.



Access: The re-inspection was undertaken on 23 July 2018 Mr Adams, Ordinary Member of the Tribunal. The inspection extended to a survey of the specified works detailed within the RSEO. Mr Adams was accompanied by the Landlord's representative.

Purpose of Re-inspection: The purpose of the re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order has been completed.

Works required under the Repairing Standard Enforcement Order (RSEO): The RSEO required the Landlord to:

- a) Repair or replace the render to each of the external walls of the property to make the property wind and watertight.
- b) To investigate and eliminate water ingress around the windows on the ground and first floors to the front of the property and ensure that every window in the property has a watertight seal.
- c) When the property is wind and watertight, and the interior walls have dried out, to remove the damp staining from interior walls of the living room and first floor front bedroom and to redecorate the living room and front bedroom when the remedial works are completed.

The tribunal ordered that the works specified in the Order must be carried out and completed within the period of 8 weeks from the date of service of the Notice (5 January 2017).

The re-inspection found:

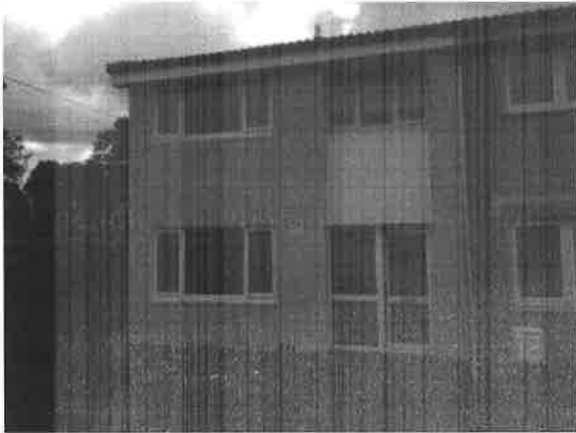
- a) Rendering works (overcoating of existing) had been progressed and completed sufficient to put the Property into a wind and watertight condition.
- b) Moisture meter readings were taken within the property and the internal wall linings were found to be free from dampness and free from elevated moisture readings.
- c) Internal remedial and redecoration works had been completed.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

Greig Adams BSc (Hons) FRICS C. Build E FCABE LETAPAEWE
Surveyor Member
First-tier Tribunal for Scotland (Housing and Property Chamber)



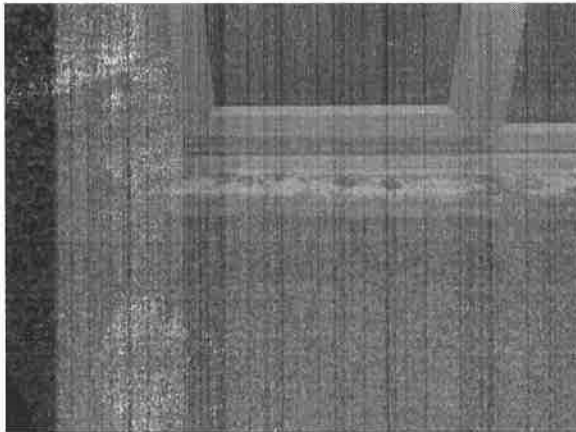
Appendix A – Photographic Record



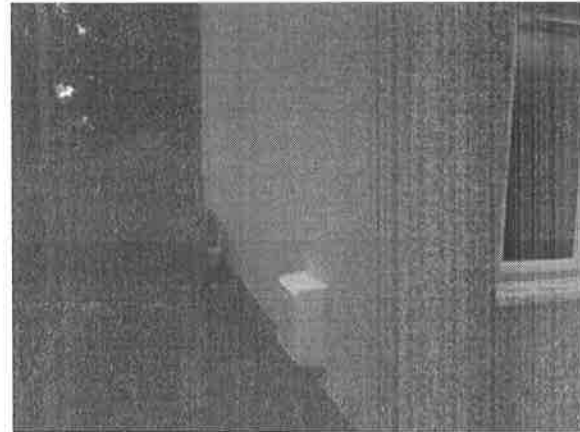
1 Front Elevation.



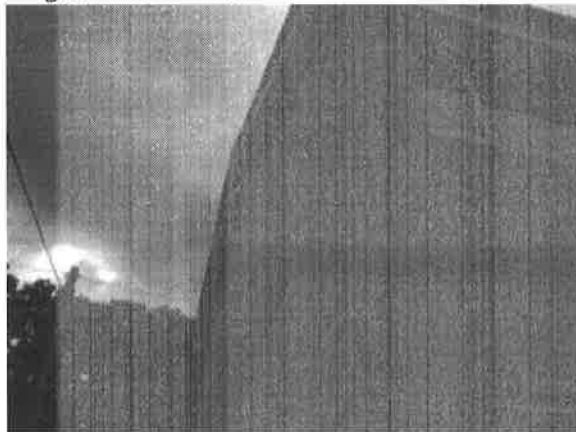
2 Rear Elevation.



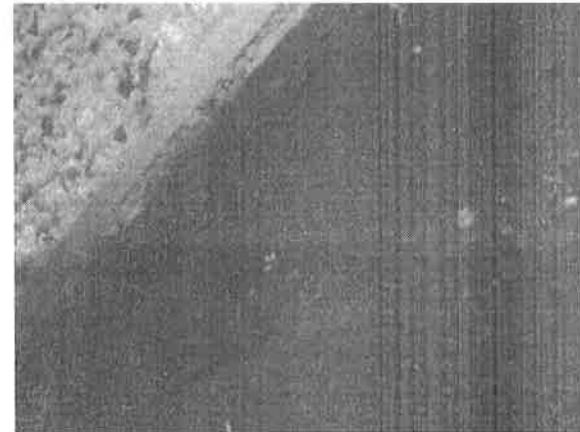
3 Ingoe and sill detail.



4 Gable Elevation.



5 Gable elevation.



6 Overcoat render application.



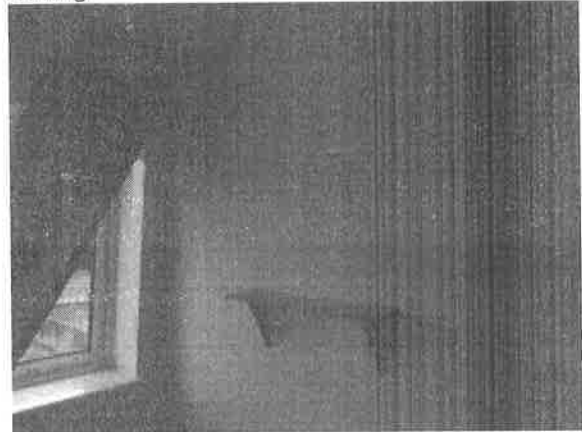
7 Living Room - moisture check.



8 Living Room – moisture check.



9 Bedroom.



10 Bedroom.



11 Bedroom – moisture check.