

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 Section 25(1) & 60

Chamber Ref: PRHP/RP/17/0060

Property at Room 1, Flat 3, 1a Constitution Street, Dundee DD3 6NF

("The House")

The Parties:-

Kristofer Watt, Room 1, Flat 3, 1a Constitution Street, Dundee DD3 6NF

("the Former Tenant")

Gordon Lees, 8 Grange Gardens, Monifieth, Dundee DD5 4NA

("the Landlord")

Tribunal Members

Rory A B Cowan, Chairperson
Geraldine Wooley, Ordinary (Surveyor) Member

Decision

The First-tier Tribunal for Scotland: Housing and Property Chamber (the Tribunal), having carried out a further inspection of the House, determined that the work required by the Repairing Standard Enforcement Order (RSEO) had been completed and resolved to issue a Certificate of Completion.

The decision of the Tribunal was unanimous.

Background

The original RSEO required the Landlord to complete the following work within 2 months of the service of the RSEO:

- 1) To instruct specialist roofing contractors to inspect the roof of the Property, in particular the roof area above the kitchen in the Property, to identify any works required to prevent further water ingress to same. To carry out all works identified in the specialist report in order to ensure that the Property is wind and water tight and reasonably fit for human habitation. The specialist contractor's report and all invoices for work carried out to be sent to the office of the First-tier Tribunal: Housing and Property Chamber.

In the RSEO the House was referred to as the Property.

Reasons for the Decision

On 20th September 2017, the Ordinary/Surveyor Member of the Tribunal carried out a re-inspection of the House.

At re-inspection it was noted as follows:

- That the Landlord had instructed new roofing contractors who had replaced various roof tiles.
- That the same contractor had inspected the roof space and found the sarking boards and ceiling board above the affected area were saturated. These boards had been replaced.
- That the affected ceiling within the kitchen to the House had been repaired and redecorated.
- That on re-inspection damp meter readings from the kitchen ceiling were within acceptable levels.
- That the House is now wind and water tight and in all other respects fit for human habitation.

A copy of the re-inspection report dated 20th September 2017 is attached to this decision.

The Landlord has therefore completed all the works required by the RSEO.

Right 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.

Signed:

Rory A B Cowan

Date:

4th October 2017

Chairperson

Housing and Property Chamber

First-tier Tribunal for Scotland



Re-inspection report

Property: Room 1 Flat 3 1a Constitution St
Dundee DD3 6NF

Ref no: prhp/rp/17/0060

Surveyor : Geraldine Wooley MRICS

Access: 11.15am 20/09/17
Weather conditions – dull but dry

Attendee: Neil Dymock – Easylets



RSEO: works required:

"To instruct specialist roofing contractors to inspect the roof of the Property, in particular the roof area above the kitchen in the Property, to identify any works required to prevent further water ingress to same. To carry out all works identified in the specialist report in order to ensure that the Property is wind and water tight and reasonably fit for human habitation. The specialist contractor's report and all invoices for work carried out to be sent to the office of the First-tier Tribunal: Housing and Property Chamber".

Works in RSEO undertaken: since the reinspection of 17/08/17 the landlord has called in a new roofing contractor who has replaced more tiles (photo 1b) and inspected the roof space. Mr Dymock reported that this contractor found the sarking materials and ceiling board were saturated and have been replaced. This is visible in the kitchen, where the ceiling has been repaired and redecorated (photo 2b). Damp meter readings in the kitchen ceiling are now at acceptable levels (between 6 and 10 - see photo 3b), and it is reasonable to conclude that the ceiling is now drying out. As there has been heavy rainfall in Dundee since the works were carried out, it appears that the roof is watertight and further ingress of water has now been prevented, and these works have ensured that the property is wind and watertight and reasonably fit for human habitation.



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Room 1 Flat 3
1a Constitution St
Dundee DD3 7NF

2nd Reinspection 20th September 2017

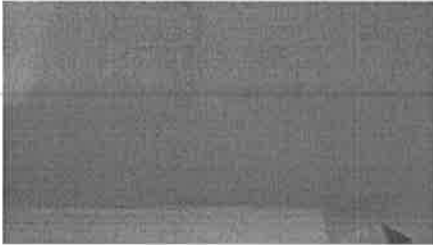
1a) As at 17/08/17 – detail of valley gutter and replacement tiles.



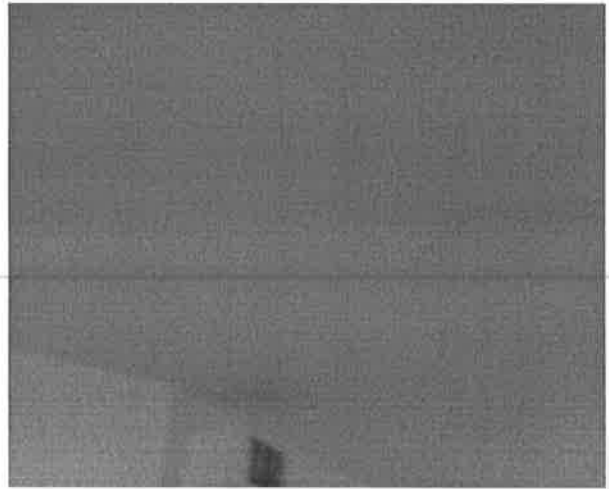
12) As at 20/09/17 – detail of further replacement tiles



Water damage in kitchen ceiling.



2a) As at 17/08/17 – ceiling visibly marked by damp.



2b) As at 20/09/17 – ceiling board replaced and redecorated. No evidence of further water ingress.

Water damage in kitchen ceiling.



3a) As at 17/08/17 – damp meter readings of 40 – 50+ in the area of photo 2a.



3b) As at 20/09/17 – damp meter readings of 6-10 in the area of photo 2b.