

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision under the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/14/0050

8 Ugie Road, Peterhead, AB42 1NR ("The Property")

The Parties:-

Jillian Munro, formerly residing at 8 Ugie Road, Peterhead, AB42 1NR ("the Tenant")

Mrs Carol Anne Wiseman, residing at 22 Damfield Road, Fraserburgh, AB43 9SJ ("the former Landlord")

Steen Investments Limited, (SC631517) incorporated under the Companies Acts and having their Registered Office at 17 Thomson Road, Peterhead, AB42 3FJ ("the Landlord")

Tribunal Members: Mr E K Miller (Legal Member) and Mr C Hepburn (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the RSEO previously imposed by the Tribunal, determined that the Landlord had now complied with the RSEO. The Tribunal resolved that a Certificate of Completion discharging the RSEO should be issued

Background

1. The Tribunal had previously issued an RSEO against the Property dated 11 November 2014 which had determined that the former Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Housing (Scotland) Act 2006 ("the Act"). The RSEO required the Landlord to:-
 1. To repair or replace the kitchen window at the Property to ensure it is properly wind and water tight and otherwise in proper working order and compliant with the repairing standard.
 2. To replace the cracked pane in the hall landing.

3. To carry out such works of repair or replacement to the skylights to ensure that they are properly wind and water tight and comply with the repairing standard.
4. To repair or replace those double glazed units where the unit has failed and condensation/misting is occurring between the panes.
5. To carry out such works or repair or replacement to the front door and surrounding frame as are necessary to render it properly wind and water tight and capable of being opened and closed smoothly. Also to carry out such works or repair or replacement to the lock on the front door as are necessary to ensure it is in proper working order.
6. To carry out such works of repair or replacement to the rear door and surrounding frame as are necessary to render it properly wind and water tight and capable of opening and closing smoothly.
7. To install an extractor fan within the bathroom.
8. To replace the side and end panels of the bath.
9. To replace the wash hand basin.
10. To install a proper shower rail and curtain compliant with the repairing standard.
11. To fix the leak from the kitchen tap.
12. To replace the unit surrounding and underneath the kitchen sink.
13. To produce an electrical installation condition report from a suitably qualified electrical engineer confirming that there are no items marked C1 and C2 on the report and to carry out any works necessary to allow the issue of such a report to the Committee.
14. To repair the leak to the radiator in the kitchen.
15. To install suitable installation within the attic space.
16. To replace the broken floor board outside the eastmost first floor bedroom.
17. To refit the westmost bedroom door to the frame and to ensure it is in proper working order and compliant with the repairing standard.

18. To carry out such works as are necessary to identify the cause of the water ingress to the Property and to carry out such works as are necessary to prevent further water ingress. Thereafter to carry out such works as are necessary to eradicate the existing damp within the Property and thereafter such works of redecoration as may be required.
 19. To repair or replace the shed roof sufficient to render it properly wind and water tight.
 20. To cap the external vents to the front of the Property.
2. The former Landlord failed to carry out the works required by the RSEO and on 30 November 2015 the Tribunal issued a decision that there had been a failure to comply by the former Landlord. The Tribunal reported the matter to the local authority and also to the police for consideration for prosecution. No Rent Relief Order was imposed by the Tribunal as the Property had by then been vacated by the Tenant.
 3. Subsequently the former Landlord contacted the Tribunal to advise works had been carried out and Mr Hepburn of the Tribunal inspected the Property on 20 December 2016 to ascertain the current position. Whilst the condition of the Property had improved there were still some works required. There was an exposed wire cable under the sink, no works had been carried out around the front door and the double glazed unit in the Lounge had failed. The primary concern, however, was that high levels of damp remained throughout the Property. The Tribunal issued a decision dated 4 April 2017 confirming that whilst the Property had been improved it did not yet comply with the RSEO and that the RSEO would need to remain in place.
 4. Matters with the Property then fell in to abeyance. The Tribunal was aware that the former Landlord had been convicted of fraud around the sale of diet pills. Her various properties, including the Property, had either been repossessed by lenders or taken over by a trustee. Nothing further happened with the Tribunal.
 5. In early 2021, the Landlord, who was the new owner of the Property, contacted the Tribunal. The Landlord advised that they had carried out extensive refurbishment to the Property and now wished to re-let the Property. They provided various compliance documents and pictures of the Property showing that it had been extensively refurbished. They sought consent to re-let the Property as they had a new tenant lined up and ready to take entry
 6. Due to the Covid-19 restrictions, the Tribunal was unable to re-inspect the Property at the present time. However, the pictures submitted by the Landlord and the other information available to the Tribunal gave it comfort that the Property had been brought up to an appropriate condition. The

one area of concern the Tribunal had was in relation to the previously high damp meter readings in the Property. This could not necessarily be seen from a photograph. The Landlord then obtained a report dated 16 March 2021 from Rotkill – a timber treatment company. This report confirmed that the Property had been extensively refurbished to a high standard and that it had been plaster boarded and insulated as part of the renovation process. The report confirmed that damp meter readings had been taken throughout the Property and that all readings had returned a negative result for damp.

7. The Tribunal considered matters. Whilst it would have preferable to re-inspect the Property, the Tribunal was content that the information provided by the Landlord, combined with the report from Rotkill, was sufficient to evidence that the Property now complied with the RSEO. On that basis the Tribunal was content to give consent to the Landlord to re-let the Property and to arrange for a Certificate of Completion to be issued discharging the RSEO

Decision

8. The Tribunal accordingly determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion.
9. The decision of the Tribunal was unanimous.

Right of Appeal

10. 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.

E Miller

Signed Chairperson

Date 24/6/21