

Housing and Property Chamber First-tier Tribunal for Scotland



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

Variation of RSEO: Housing (Scotland) Act 2006 Section 25

Chamber Ref: FTS/HPC/RP/18/1521

Title no/Sasines Description: MID91779

Property: 8 Oxgangs House, Oxgangs Grove, Edinburgh EH13 8HE (“The House”)

The Parties: Miss Gemma Hicks, 8 Oxgangs House, Oxgangs Grove, Edinburgh EH13 9HE (“the tenant”)

Thomas Reilly, (“the landlord”)

The First-tier tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on 22 October 2018 that the RSEO relative to the house served on 7 December 2018 should be varied, the said RSEO is hereby varied with effect from the date of service of this Notice in the following respects:-

1. The steps which the tribunal require the landlord to take in complying with the order are amended as follows :-
 - (a) To have the boiler in the house inspected by a suitably qualified and registered gas heating engineer and to undertake any works as required by said gas heating engineer to ensure that the boiler is in a reasonable state of repair and in proper working order and thereafter to provide a written report in respect of same.
 - (b) The period left for completion of the works required by the order is extended for a further 28 days.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

A landlord, tenant or third party applicant 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

Housing and Property Chamber

First-tier Tribunal for Scotland



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Statement of Decision: Housing (Scotland) Act 2006

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Property: 8 Oxgangs House, Oxgangs Grove, Edinburgh EH13 8HE (“The House”)

The Parties:- Miss Gemma Hicks, 8 Oxgangs House, Oxgangs Grove, Edinburgh EH13 9HE (“the tenant”)

Thomas Reilly, (“the landlord”)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”), having made such enquiries as it saw fit for determining whether the landlord has complied with the Repairing Standard Enforcement Order (RSEO) in relation to the property concerning taking account of the subsequent re-inspection of the property, determined by the landlord has not complied with the order and that a variation of the Repairing Standard Enforcement Order should be granted.

Background

1. By way of decision dated 22 October 2018 the Tribunal issued a determination that the landlord had failed to ensure that -
 - (a) The boiler required to be inspected by a gas heating engineer to establish it was in a reasonable state of repair and in proper working order.
 - (b) The kitchen requires a complete overhaul in terms of the cabinets. There required to be plumbing work undertaken to the drainage pipe under the sink.
 - (c) The bath panel requires to be properly attached to the bath.
2. The Tribunal required the landlord –
 - (a) To have the boiler in the house inspected by a suitably qualified and registered gas heating engineer to establish that it is in a reasonable state of repair and in proper working order and to provide a written report in respect of same.
 - (b) To undertake a complete overhaul of the kitchen in terms of the kitchen cabinets and to undertake such plumbing work as is required to the drainage pipe from the sink by a suitably qualified tradesman.
 - (c) To have attached to the bath the bath panel by a suitably qualified tradesman.

- (d) The work was required to be undertaken within a period of 28 days from the date of the notice.
3. On 25 April 2019 a re-inspection of the property was carried out by Mr Greg Adams, Ordinary Member and Qualified Surveyor of the Tribunal. The following was noted –
- (i) A Gas Safety Certificate (dated 12 March 2019) was evident however the certification stated that the flow and return valves on the boiler were leaking. No further evidence in the way of invoices are exhibited by the landlord to outline any further action taken in relation to such leaks outlined. In addition no written report has been submitted in relation to this installation.
 - (ii) The kitchen units had been replaced and were found to be in good order save for one damaged door front which the occupant had damaged.
 - (iii) The bath panel had been affixed to the bath.
4. The Tribunal determined that the landlord had complied with parts (b) and (c) of the Repairing Standard Enforcement Order but have failed to comply with part (a) namely “(a) To have the boiler in the house inspected by a suitably qualified and registered gas heating engineer to establish that it is in a reasonable state of repair and in proper working order and to provide a written report in respect of same.”

Right of Appeal

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 63

Where such an appeal is made, the effect of the decision and of 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 decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

M Thorley

Signed
Chairperson

Date 7 April 2019

Housing and Property Chamber First-tier Tribunal for Scotland



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

Re-Inspection Report

Chamber Ref: FTS/HPC/RP/18/1521



Property: 8 Oxgangs House, Oxgangs Grove, Edinburgh EH13 8HE (“The House”)

Title no/Sasines Description: MID91779

THE PARTIES:

Miss Gemma Hicks, 8 Oxgangs House, Oxgangs Grove, Edinburgh EH13 9HE (“the tenant”)

Thomas Reilly, (“the landlord”)

THE TRIBUNAL:

Tribunal members: Mark Thorley (Legal Member/Chair) and Greig Adams (Ordinary/surveyor Member)

Background:

On 7 December 2018, the First-tier Tribunal for Scotland Housing and Property Chamber) issued a Repairing Standard Enforcement Order (“the Order”) in respect of the Property. The Order required the Landlord to:-

- (a) To have the boiler in the house inspected by a suitably qualified and registered gas heating engineer to establish that it is in a reasonable state of



- repair and in proper working order and to provide a written report in respect of same.
- (b) To undertake a complete overhaul of the kitchen in terms of the kitchen cabinets and to undertake such plumbing work as is required to the drainage pipe from the sink by a suitably qualified tradesman.
 - (c) To have attached to the bath the bath panel by a suitably qualified tradesman.

Works were required to be completed within 28 days from service.

Access:

The re-inspection was undertaken on 25 April 2019 by Mr Adams, Ordinary Member of the Tribunal. The inspection extended to an inspection of the outstanding items detailed within the RSEO.

Purpose of Re-inspection:

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

- a) A Gas Safety Certificate (dated 12 March 2019) was evident however, this certification stated that the flow and return valves on the boiler were leaking. No further evidence in the way of invoices has been submitted by the Landlord to outline any further action taken in relation to such leaks outlined. In addition, no written report has been submitted in relation to this installation.
- b) The kitchen units had been replaced and were found to be in good order save for 1 No. damaged doorfront which the occupant had damaged.
- c) The bath panel had been affixed to the bath.

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.

G Adams

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 Oxgangs House.



2 New kitchen.



3 New kitchen.



4 New kitchen.



5 New kitchen.



6 Kitchen area.



7 Plumbing to kitchen.



8 Bath and bath panel.



9 Bath panel.



10 Bath panel



11 Boiler.



12 Boiler area.