

Housing and Property Chamber First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 25(1) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/19/2157

Title no: REN119248

35 Craigbog Avenue, Johnstone, PA5 0LS ('The Property')

The Parties:-

Michael Tarry residing at Flat 0/1, 80 High Street, Johnstone, PA5 8SP ('the Landlord').

Ritehome Letting Limited, 350 Glasgow Harbour Terrace, Glasgow, G11 6EG ('The Landlord's Representatives')

Neill Stewart residing at 35 Craigbog Avenue, Johnstone, PA5 0LS ('the Original Tenant').

Pauline Neill residing at 35 Craigbog Avenue, Johnstone, PA5 0LS ('the New Tenant and the Original Tenant's Representative').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Lori Charles (Ordinary Member).

Background

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlord to:-
 1. *Repair the back bedroom windows and surrounds to render them wind and watertight.*
 2. *Repair or replace the front and back door and fascias of the front door to render them in a reasonable state of repair and proper working order.*
 3. *Resolve the source of damp penetration to the wall under the window of the back bedroom and carry out such repairs as necessary to prevent further damp ingress followed by remedial works to damp-damaged finishes and decorations.*
 4. *Repair or replace the protruding screws/ bolts of the kitchen cupboard doors to render them in a reasonable state of repair and proper working order.*

2. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 15th January 2020.

3. Inspection

On 10th February 2020 the Ordinary Member of the Tribunal carried out an inspection of the Property for the purpose of ascertaining whether the repairs required by the RSEO had been completed. The Tenant had vacated the Property. Robert Nixon, the Landlord's Representative, was present at the reinspection. The reinspection report dated 10th February 2020 and relative photographs taken at the reinspection are annexed and executed as relative hereto.

4. Hearing

Following the inspection of the Property the Tribunal held a hearing at The Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT. The Legal Member and the Ordinary Member of the Tribunal attended the hearing.

Robert Nixon, the Landlord's Representative, attended the hearing.

The Tenant did not attend the hearing and was not represented.

In respect of the repairs required by the RSEO the Landlord's representative advised as follows:

1. Repair the back bedroom windows and surrounds to render them wind and watertight and 2. Repair or replace the front and back door and fascias of the front door to render them in a reasonable state of repair and proper working order.

Robert Nixon advised that the repairs had not been carried out due to difficulties obtaining access.

3. Resolve the source of damp penetration to the wall under the window of the back bedroom and carry out such repairs are necessary to prevent further damp ingress followed by remedial works to damp-damaged finishes and decorations.

Robert Nixon advised that the works had been completed at a cost to the Landlord of £615.

4. Repair or replace the protruding screws/ bolts of the kitchen cupboard doors to render them in a reasonable state of repair and proper working order.

Robert Nixon confirmed that the protruding screw had been replaced.

5. Decision and Reasons

5.1 Findings in Fact

5.1.1. The repairs to resolve the source of damp penetration to the wall under the window of the back bedroom and the repairs to the damp damaged finishes as specified in clause 3 of the RSEO had been satisfactorily completed.

5.1.2 The protruding screw/ bolt of the kitchen cupboard doors had been satisfactorily replaced, as specified in clause 4 of the RSEO had been satisfactorily completed.

5.1.3 The repairs to the back bedroom windows and surrounds to render them wind and water tight and the repairs to the front and back door fascias specified in clauses 1 and 2 of the RSEO had not been carried out.

5.1 Decision

5.2.1 Given the terms of the said reinspection report dated 10th February 2020 and the representations made at the hearing the Tribunal Determine that items 1 and 2 of the RSEO which required the Landlord to:

1. Repair the back bedroom windows and surrounds to render them wind and watertight.

2. Repair or replace the front and back door and fascias of the front door to render them in a reasonable state of repair and proper working order.

have not been satisfactorily completed as the required works have not been carried out.

5.1.2 Items 3 and 4 of the RSEO which required the Landlord to:

3. Resolve the source of damp penetration to the wall under the window of the back bedroom and carry out such repairs as necessary to prevent further damp ingress followed by remedial works to damp-damaged finishes and decorations.

4. Repair or replace the protruding screws/ bolts of the kitchen cupboard doors to render them in a reasonable state of repair and proper working order.

have been satisfactorily completed.

5.2.3 The Tribunal accepted the evidence of Robert Nixon to the effect that the outstanding repairs had not been carried as they had experienced difficulties obtaining access. The Tribunal considered it reasonable to vary the RSEO to allow the Landlord additional time to complete the required works in terms of section 25(1) of the Housing (Scotland) Act 2006 which authorises the Tribunal to vary a RSEO in such manner as they consider reasonable.

Accordingly the Tribunal determined that the RSEO would be varied as follows:

'The date for completion of the works required in terms of Items 1 and 2 of the RSEO is varied to 6th March 2020.'

6.The decision of the Tribunal was unanimous.

7.Appeals

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 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.

J Taylor

Signed.....
Chairperson

..... Date 10th February 2020

Housing and Property Chamber First-tier Tribunal for Scotland



J Taylor

Date of Inspection – 10 February 2020 at 10:00am

Property Reference – FTS/HPC/RP/19/2157

Property Address - 35 Craigbog Avenue Johnstone PA5 0LS

Surveyor – Lori Charles

Previous Inspection 18/11/19

Access – Mr Robert Nixon Landlords representative

In attendance Mr Robert Nixon

Weather – Cold/ windy

Repairing Standards Enforcement Order (RSEO) dated 27th November 2019

In particular, the tribunal requires the landlord to:

1. Repair the back bedroom windows and surrounds to render them wind and watertight.
2. Repair or replace the front and back door and fascias of the front door to render them in a reasonable state of repair and proper working order.
3. Resolve the source of damp penetration to the wall under the window of the back bedroom and carry out such repairs as necessary to prevent further damp ingress followed by remedial works to damp-damaged finishes and decorations.
4. Repair or replace the protruding screws/ bolts of the kitchen cupboard doors to render them in a reasonable state of repair and proper working order.

Rear bedroom 1 - 18/11/19



High moisture readings noted below rear bedroom window. Plasterwork damaged due to water ingress.

Rear bedroom 1 - 10/02/20



Rear bedroom wall has been repaired and redecorated, moisture readings are all within a normal range.

Double glazed windows - 18/11/19



Window has been fitted with draft excluder to the external window frame. This requires to be removed and the window fitted with the correct rubber gasket seal to ensure window is wind and water tight.

Double glazed window 10/02/20



No access was given to repair double glazed windows- Repair remains outstanding.

Kitchen - 18/11/19



The repair to the cupboard hinges are not to a reasonable standard and the protruding screws could be dangerous

Kitchen - 10/02/20



Cupboard hinges have been repaired to a reasonable standard and door opens and closes

External kitchen door - 18/11/19



Draft noted at the kitchen door. Seals around the kitchen door and window are ill fitting and require to be replaced with the correct rubber gasket seals to ensure the property is wind and water tight.

Front Upvc door - 18/11/19



Seal to front door is detached and causes the locking mechanism to jamb making it difficult to open the door. The front door is not wind and water tight.

Upvc external windows and doors 10/02/20



No access was given to repair double glazed windows and external doors.

Repairs remain outstanding.

Lori Charles BSc Hons MRICS

Lori Charles

Ordinary Member (Surveyor)

Date 10/02/20

Schedule of photographs taken during the re-inspection of 35 Craigbog Ave, Johnstone by the Ordinary Member of the First Tier Tribunal for Scotland (Housing and Property Chamber) on the 10/02/20.

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