

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of completion of work: Housing (Scotland) Act 2006 Section 60

Chamber Ref: PRHP/RP/16/0251

Property at: 7 Philpingstone Road, Bo'ness, EH51 9JJ

Title No: WLN36195

The Parties

Mrs Jennene Calha, residing at 7 Philpingstone Road, Bo'ness, EH51 9JJ
("the tenant")

and

Iain Cruickshank, residing at 3 Oak Hill View, Maddiston, Falkirk, FK2 0DB

and

David Hogg, residing at Hutton School, Hutton, Berwick-Upon-Tweed, TD15 1TS
("the landlord")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 11 November 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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

In witness whereof these presents are executed by Paul Doyle, chairperson of the tribunal at Edinburgh on 12 April 2017 before this witness:-

J Doyle
Joseph Doyle
24 Haddington Place
Edinburghj

Witness

P Doyle

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Facts and Reasons for Decision to Grant a Certificate of Completion of Works under Housing (Scotland) Act 2006 Section 60

Chamber Ref: PRHP/RP/16/0251

Property at: 7 Philpingstone Road, Bo'ness, EH51 9JJ

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The Parties

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and

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and

David Hogg, residing at Hutton School, Hutton, Berwick-Upon-Tweed, TD15 1TS

("the landlord")

Tribunal Members

Paul Doyle
Susan Napier

Legal Member
Ordinary Member

Statement of Facts and Reasons

1 On 26 October 2016, 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 11 November 2016. On 17 February 2017, the ordinary member of the Tribunal re-inspected the property. A copy of the ordinary member's report is attached hereto. The Tribunal refers to that report for its terms and adopt it as part of their findings in fact *brevitatis causa*.

2. The ordinary member's report was circulated to both the applicant and respondent, who were invited to provide their comments and reactions to the contents of the report within 14 days. Neither party raised any challenge to the Ordinary member's re-inspection report.

3. 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.

4. 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.

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

P Doyle

12 April 2017

Legal Member

Housing and Property Chamber

First-tier Tribunal for Scotland



Reference
PRHP/RP/16/0251

Property – 7 Philpingstone Road, Bo'ness EH51 9JJ

Reinspection Report 17 February 2017



Report on Reinspection following Repairing Standard Enforcement Order dated 26 October 2016

1.0 SUMMARY

This property was inspected on 14 October 2016 by the PRHP Committee. A reinspection was carried out on Friday 17 February 2017 at 1000 by Susan Napier, Ordinary Member (Surveyor). The Landlord's wife Mrs Cruickshank was in attendance.

The property is currently unoccupied. It is a south facing ground floor flat in a 'four in a block' built in the 1930s, and consists of hall, living room, kitchen, two bedrooms, bathroom and storage cupboards. There are front and rear gardens and the entrance to the upper flat is by way of external stair which is built out from the east gable.

At the time of the inspection the weather was light cloud and dry, with light wind. Photographs taken on 17 February 2017 are attached in Appendix 1.

2.0 Repairing Standard Enforcement Notice

- 2.1 The following works were required by the PRHP in the Repairing Standard Enforcement Notice issued on 26 October 2016:
- 2.1.1 To carry out investigation works to find the source of damp from the external side wall of the property, and thereafter carry out works to eradicate damp from the property.
- 2.1.2 Provide the PRHP with a Gas Safety Record from a suitably qualified and Gas Safe Registered heating engineer on the safety of the gas central heating boiler and all other gas appliances in the property, and, if necessary, carry out any further repairs or replacement to ensure that all gas appliances are safe to use.

3.0 Reinspection

3.1 At the reinspection on 17 February 2017 the following matters were observed:

- 3.1.1 The areas affected by damp had been redecorated, in particular in the two bedrooms and the cupboards leading off these bedrooms.
- 3.1.2 Externally there appeared to be evidence of damp proof treatment, and the external stairs had been regouted at the junction with the east gable.
- 3.1.3 The whole flat had been cleared and redecorated.
- 3.1.4 As the flat was unoccupied there was no heating on and the rooms had not been ventilated or dried out following the works. The bedroom walls and cupboards were therefore still giving very high damp readings. In the second bedroom walls were stained up to 1 metre above the floor and salt deposits were apparent on the internal wall.
- 3.1.5 A new smoke detection system had been installed and a carbon monoxide detector had also been fitted.
- 3.1.6 An up-to-date Gas Safety Certificate had not been provided. Mrs Cruickshank explained that the landlord was negotiating the sale of the property to WESLO Housing Association and the Certificate should be with WESLO.

4.0 Summary

- Work has been carried out to eradicate dampness, but the bedrooms remain damp.
- A copy of the specification, completion confirmation and invoice from the contractor who carried out the damp remediation work should be provided.
- Heating and/or dehumidifiers will be required to ensure that the damp issues are entirely resolved.
- An up-to-date Gas Safety Certificate should be provided

5.0 This report will be distributed to the parties and/or their representatives for their comment. It will be referred afterwards to the Tribunal for their consideration and further action as appropriate.

Susan Napier, BSocSc, FRICS
Ordinary Member (Surveyor)

18 February 2017

Reference PRHP/RP/16/0251

Appendix 1

Property – 7 Philpingstone Road, Bo'ness EH51 9JJ

Reinspection Report 17 February 2017 - Photographs

Main Bedroom (North)



Main Bedroom cupboard – damp reading high



Second Bedroom (South) – On left Internal Wall shared with main bedroom at right angle to external wall. Damp staining on both walls



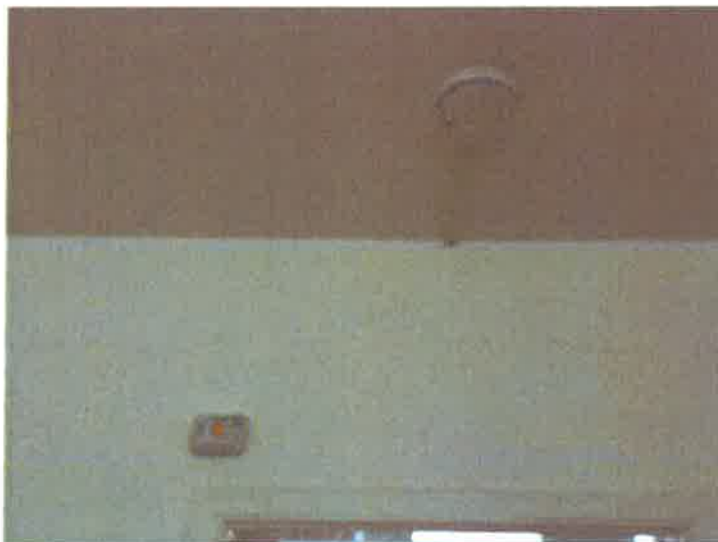
Second bedroom – Damp meter reading High



Second Bedroom Cupboard – Damp meter reading high



New smoke detection system and CO detector



East gable - External steps to upper floor flat regouted junction at wall

