

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

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

**Chamber Ref: FTS/HPC/RP/17/0009**

**Sasines Description: House known as Clisham (otherwise Engineer's House), Ardvar, Drumbeg, Lairg, Sutherland, IV27 4NJ being part of the subjects described in Disposition in favour of Aubrey Buxton, recorded in the division of the General Register of Sasines for the County of Sutherland on 26<sup>th</sup> May 1971 (Search Sheet number 1099).**

**House address: Clisham, Ardvar, Drumbeg, Lairg, Sutherland, IV27 4NJ ('the House')**

**The Parties:-**

**Mr Mark Woodward, Clisham, Ardvar, Drumbeg, Lairg, Sutherland, IV27 4NJ ('the Tenant')**

**Ardvar Fish Farmers (James Gladstone Payne, Margaret Payne and Michael Payne), having its place of business at Ardvar, Drumbeg, Lairg, Sutherland ('the Landlords')**

**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 dated 19<sup>th</sup> May 2017 has been completed. Accordingly, the said **Repairing Standard Enforcement Order** relative to the property has been discharged.**

**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.**

In terms of Section 63 of the Act, 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 typewritten on this and the preceding page are executed by Helen Forbes, solicitor, chairperson of the tribunal at Glasgow on 29<sup>th</sup> September 2017 before this witness:-

**M Owens**

Witness

**H Forbes**

Chairperson

Name of witness: **M Owens**

Address of witness: 4TH FLOOR  
1 ATLANTIC QUAY  
115 ROBERTSON STREET  
GLASGOW  
G2 8JB

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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### **DETERMINATION BY FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)**

**Statement relative to the Certificate of Completion of work issued by the First-tier tribunal for Scotland (Housing and Property Chamber) under section 60 of the Housing (Scotland) Act 2006**

**FTS/HPC/RP/17/0009**

**Sasines Description: House known as Clisham (otherwise Engineer's House), Ardvar, Drumbeg, Lairg, Sutherland, IV27 4NJ being part of the subjects described in Disposition in favour of Aubrey Buxton, recorded in the division of the General Register of Sasines for the County of Sutherland on 26<sup>th</sup> May 1971 (Search Sheet number 1099).**

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#### **The Parties:-**

**Mr Mark Woodward, Clisham, Ardvar, Drumbeg, Lairg, Sutherland, IV27 4NJ ('the Tenant')**

**Ardvar Fish Farmers (James Gladstone Payne, Margaret Payne and Michael Payne), having its place of business at Ardvar, Drumbeg, Lairg, Sutherland, IV27 4NJ ('the Landlords')**

#### **Decision**

1. Further to a decision of the Private Rented Housing Tribunal dated 10<sup>th</sup> March 2017, the Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property. The members of the Tribunal were Helen Forbes, Chairperson, and Robert Buchan, Ordinary Member. Within twelve weeks of the date of service of the RSEO, the Landlord was required to:-
  1. Repair or replace the patio door and associated glazing to ensure that the door is wind and water tight, and in a reasonable state of repair and in proper working order;
  2. Install satisfactory thermal insulation in the loft of the House to meet current standards;
  3. Repair or replace the guttering to ensure that it is in a reasonable state of repair and in proper working order.

2. A re-inspection of the Property was scheduled for 30<sup>th</sup> June 2017. By letter dated 15<sup>th</sup> June 2017, the Landlord requested a postponement of the re-inspection due to difficulties in agreeing a suitable date for a survey by a glazing company, and problems caused by the remote location of the property. The Tribunal granted the request for a postponement. A variation of the RSEO was issued on 18<sup>th</sup> July 2017, requiring that the works be carried out by 14<sup>th</sup> August 2017 with a re-inspection to take place on 18<sup>th</sup> August 2017. The Ordinary Member attended at the property to carry out a re-inspection on 18<sup>th</sup> August 2017 to verify that the works had been carried out. The Ordinary Member was not granted access to the property on that date.
3. On 24<sup>th</sup> August 2017, the Ordinary Member produced a report with photographs for the Tribunal. Said report with photographs is produced as relative hereto.
4. On 29<sup>th</sup> August 2017, a letter was issued to parties with the Ordinary Member's report. The Tribunal requested an explanation for the lack of access, and invited the Landlords to produce evidence that the internal works had been carried out. Parties were invited to make representations.
5. By letter dated 6<sup>th</sup> September 2017, the Landlords' representative provided receipted invoices in respect of the works carried out to the patio door and the loft insulation. Said invoices are produced as relative hereto. No representations were received from the Tenant.
6. Thereafter, the Tribunal considered whether or not it was appropriate to find that the works required by the RSEO had been completed and the appropriate Certificate of Completion in terms of section 60 of the 2006 Act should be issued. The Tribunal agreed that the appropriate Certificate should be issued.

### **Right of Appeal**

7. A landlord, tenant or third party Tenant 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 62 of the 2006 Act**

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

**H Forbes**

Chairperson

First Tier Tribunal for Scotland (Housing and Property Chamber)

Date: 28<sup>th</sup> September 2017

*This is the Re-inspection report referred to in the  
Pegging Determination dated 28th September 2017*  
**H Forbes**, *Chair and Legal Member*

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**First-tier Tribunal for Scotland (Housing and Property Chamber)**  
**Housing (Scotland) Act 2006**  
**Property Re-Inspection Report**



**Property address:** Clisham, Ardvar, Drumbeg, Lairg, Sutherland, IV27 4NJ

**Chamber Reference Number:** FTS/HPC/RP/17/0009

**Date of re-inspection:** 18th August 2017

**Surveyor:** Mr R Buchan, FRICS

**Circumstances of inspection:** It was raining at the time of inspection. Although occupied, no access was provided.

**In attendance:** There was no other party at the property.

## **Repairing Standard Enforcement Order (RSEO)**

An RSEO was served on the Landlord, Ardvar Fish Farmers (James Gladstone Payne, Margaret Payne and Michael Payne) and their agent, South Forrest on the 27th March 2017 following an inspection and hearing of the Tribunal on the 10th March 2017.

The Landlord was required to carry out the following work under the terms of the RSEO:

1. Repair or replace the patio door and associated glazing to ensure that the door is wind and water tight, and in a reasonable state of repair and in proper working order.
2. Install satisfactory thermal insulation in the loft of the House to meet current standards.
3. Repair or replace the guttering to ensure that it is in a reasonable state of repair and in proper working order.

## **Works carried out**

It was evident because of the heavy rain that the guttering above the front door has been repaired. Although not a part of the order it could be seen that the roof tiles on the front roof slope and ridge have been re-instated.

Because of the lack of access it was not possible to determine whether or not the insulation in the loft has been brought up to standard or if the patio door has been repaired or replaced.

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.

# R Buchan

R Buchan, FRICS  
24th August 2017

# INVOICES

Cairngorm Windows  
Window Doctor  
Cairngorm Kitchens  
Alba Trade Windows

Cairngorm Solar Panels  
Cairngorm Conservatories  
Inverness Glass Company  
Gramplan Glass & Glazing



Longman Drive, Inverness IV1 1SU

01463 238 000 telephone  
01463 711 093 fax

Info@cairngormgroup.co.uk  
www.cairngormgroup.co.uk

## INVOICE

**Invoice No :** 1005107

**Job Ref**

13205

**Date** May 11, 2017

**Invoice Address**

Mr JG Payne  
Ardvar Fish Farmers  
Drumbeg  
Sutherland  
IV27 4NJ

**Fitting Address**

Ardvar Fish Farmers

Drumbeg  
Sutherland  
IV27 4NJ

Deposit towards supply and fit of 1 Rosewood PVCu Patio Door - In Line

Total Net	£437.50
Total Vat	£87.50
<b>Invoice Total</b>	<b>£525.00</b>

Payment Received with thanks  
Cash / Cheque / Credit Card  
By: \_\_\_\_\_ Date: \_\_\_\_\_

*These are the invoices  
referred to in the foregoing  
Determination dated 28th  
September 2017*

**H Forbes**

Inverness Glass Co. Ltd. trading as Cairngorm Group Reg. in Scotland, Co. No. 33089 Reg. office as above VAT Reg. No. 266 2634 49

*Chair and Logo Member*

Cairngorm Windows  
Window Doctor  
Cairngorm Kitchens  
Alba Trade Windows

Cairngorm Solar Panels  
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01463 238 000 telephone

01463 711 093 fax

info@cairngormgroup.co.uk  
www.cairngormgroup.co.uk

## INVOICE

**Invoice No :** 1005132

**Job Ref**

13205

**Date** June 23, 2017

**Invoice Address**

Mr JG Payne  
Ardvar Fish Farmers  
Drumbeg  
Sutherland  
IV27 4NJ

**Fitting Address**

Ardvar Fish Farmers  
  
Drumbeg  
Sutherland  
IV27 4NJ

Final invoice for 1 Rosewood PVCu Patio Door - In Line

<b>Total Net</b>	<b>£2,479.17</b>
<b>Total Vat</b>	<b>£495.83</b>
<b>Invoice Total</b>	<b>£2,975.00</b>

Payment Received with thanks  
Cash / Cheque / Credit Card  
**By:** **Date:**



P7  
6/6/17  
#011348  
£1,167.00

**Stephen Collie - Drumbeg Cottage - Drumbeg Near Lochinver IV27 4NW**

**Invoice**

10th May 2017  
Jim Payne  
Ardvar  
Sutherland

**RE: Works to your cottage occupied by Mark Woodward**

Further to my quote of 11th April & subsequent approval to proceed by Michael - works are now complete.

	labour	materials
Attic materials (insulation)		£ 707.00
Attic labour £280	£ 280.00	
Front door materials £11.20 (see note)		nil
Front door labour £60	£ 60.00	
Roof tiles materials – nil (you have spares)		nil
Roof tiles labour - budget at £120	£ 100.00	
Guttering – was not included but Michael asked me to attend to the leaks while I was there - There were 3 problems - Leak over the front door. Leak to the loch elevation near the downpipe. Leak at junction roughly mid way along the loch elevation.	£ 20.00	minor - no charge
	£ 460.00	£ 707.00

Grand total = £ 1,167.00

Jim

The front door was sticking because it was swelling up. This seems to have been due to the water leaking badly from the gutter above the door. (now fixed).

The large amount of water from the gutter leak over the door was, I feel, also causing the very slight problem with water ingress at the bottom of the door. I have not fitted a brush to the bottom of the door because I don't think it is needed now the source of the problem is cured. (I've tested the gutter leak in front of your tenant & verified it's now OK).

I stored things I found in the attic in the shed. (A few minor bits & pieces. There was nothing of any value there but I thought best not to throw away).

I have put some packaging waste from the works (polythene wrapping) in your bin at the top of your drive)