

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

Property: 1 Lammonbie Cottages, Lockerbie, Dumfriesshire
DG11 2RN (“the Property”/ “the house”)

Sasine Description: All and Whole the detached cottage known as Lammonbie Number One, Balgray, Lockerbie, Dumfriesshire DH11 2JT with ground pertaining thereto, being part of the subjects more particularly described in and disposed by Disposition by the Trustees of David Jardine Paterson in favour of Michael John Jardine Paterson dated 16 May and subsequent dates and recorded in the Division of the General Register of Sasines applicable to the County of Dumfries on 2 December, all in the year 1980.

Chamber Reference: FTS/HPC/RT/19/3419

Parties:

**Dumfries and Galloway Council Strategic Housing Services,
Council Offices, Buccleuch Street, Dumfries DG1 2AD (“Third
Party Applicant”)**

**Wellingtonia LLP, a Limited Liability Partnership incorporated in
England (LLP Reg No OC416665) whose registered office is
Fairview House, Victoria Place, Carlisle CA1 1EX (“the
Landlord”)**

**Interested Party - Mr Ian Lamb, 1 Lammonbie Cottages,
Lockerbie, Dumfriesshire DG11 2RN (“the Interested Party”)**

**Tribunal Members - George Clark (Legal Member/Chairperson)
and Mike Links (Ordinary Member/Surveyor)**

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 made on 5 March 2020 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

Right of Appeal

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 typewritten on this and the preceding page are executed by George Barrie Clark, Legal Member/Chair, at Lasswade on 9 October 2020 before this witness Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian.

G Clark

..... Legal Member/Chair

V Clark

..... Witness



**Statement of Decision of the Housing and Property Chamber
of the First-tier Tribunal for Scotland under Section 60 of the
Housing (Scotland) Act 2006**

**Property: 1 Lammonbie Cottages, Lockerbie, Dumfriesshire DG11 2RN
("the Property"/ "the house")**

Chamber Reference: FTS/HPC/RT/19/3419

Parties:

**Dumfries and Galloway Council Strategic Housing Services, Council
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Dumfriesshire DG11 2RN ("the Interested Party")**

**Tribunal Members - George Clark (Legal Member/Chairperson) and Mike
Links (Ordinary Member/Surveyor)**

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 has complied with the
Repairing Standard Enforcement Order made by the Tribunal on 5 March
2020 under Section 26(1) of the Housing (Scotland) Act 2006 ("the Act"),
determined that the work required by the Order had been carried out and
that a Certificate of Completion of Works should be issued under
Section 60 of the Act.**

Background

**On 5 March 2020, following an inspection and Hearing, the Tribunal made a
Repairing Standard Enforcement Order ("the Order") in respect of the
Property. The Order required the landlord to:**

1. Carry out such repairs to the external render of the Property as are necessary to ensure it is wind and watertight.
2. Protect and make safe the electrical cabling along the outer surface of the porch of the Property by encasing it in a suitable conduit.
3. Exhibit to the Tribunal evidence of SEPA consent in respect of the septic tank serving the Property.

The Tribunal ordered that the works required by this Order must be carried out within the period of six months from the date of service of the Order.

On 4 September 2020, the Landlord's agents advised the Tribunal that they believed all the matters included in the Order had been attended to. They attached photographs showing work carried out to the render on the front and side elevations of the Property. They explained that the exposed wood porch area had been painted and that, as there was insufficient space beneath the guttering and its support brackets within which to securely fix a conduit to this section of the porch without disturbing the gutter, brackets or potentially affecting the window below, the cable had been painted with a UV-resistant paint. They also provided evidence from SEPA of the registration of the septic tank and authorisation of the discharge of sewage effluent from the tank.

The Tribunal was satisfied with the SEPA documentation. The Tribunal was not, however, satisfied that the repairs to the render had been carried out satisfactorily. The affected sections had been finished with a base coat only and no render finish had been applied. The Tribunal was also not satisfied with the position regarding the electrical cabling along the outer surface of the porch. The Tribunal acknowledged the reasons given by the Landlord's agents for the manner in which the problem has been addressed, but remained concerned that there were still health and safety issues regarding the cabling, which the work carried out has not resolved.

The Tribunal determined that, rather than make a Decision that the Landlord has failed to comply with the Order, the Order should be varied to give the Landlord additional time to complete the works satisfactorily. The Tribunal Varied the Order to extend the time limit for completing the works required by the Order to 31 December 2020.

On 7 October 2020, the Landlord's agents provided the Tribunal with additional photographic evidence. They stated that the brackets on the porch guttering had been adjusted to allow sufficient space beneath the guttering to securely fit a conduit around the electric cable. The photograph indicated that the cable was now encased within a plastic conduit. The other photographs were of patch repairs to the rendering on the front elevation of the Property.

Reasons for Decision


The Tribunal was satisfied with the further work done to fit a conduit for the electrical cabling along the outer surface of the porch. The rendering work had been very crudely done, with a smooth cement render finish, but with no attempt to apply roughcast render to the cement to match the rest of the wall. The view of the Tribunal was, however, that, whilst the quality of the work was extremely poor, it appeared that it would be sufficient to make the Property

wind and water tight and that, in the continuing situation with COVID-19 restrictions, whereby the Tribunal was unable to carry out a physical reinspection, the Tribunal was, with some reservations, prepared to conclude that the works required by the Order had been completed.

The Decision of the Tribunal was unanimous.

Right of Appeal

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George Clark (Legal Member/Chair)
9 October 2020