

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 24 (1)

Chamber Ref:PRHP/RP/16/0349

Title number FFE57606

1 Middlefield Cottage, Hawklaw, Cupar, Fife KY15 4PL
("The Property")

The Parties:-

Miss Kerrie Noble

1 Middlefield Cottage, Hawklaw, Cupar, Fife KY15 4PL
("the Tenant")

Mr Alan Hughes

(represented by their agent Your Move, 31A North Bridge Street,
Bathgate, West Lothian, Scotland EH48 4PJ)
("the Landlord")

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), issued a Repairing Standard Enforcement Order ("RSEO") on 24th January 2017 in terms of the Housing (Scotland) Act 2006 s24.

Notice of re-inspection was intimated to the parties on 23rd February 2017.

Re-inspection took place on 13th March 2017.

The Landlord has failed to comply with the RSEO all as detailed in Re-Inspection Report attached hereto dated 13th March 2017.

The Tribunal accordingly makes a Rent Relief Order.

L Dowdalls

Chairperson

31st March 2017

Referred to a Decision
dated 31st March 2017

L Dowdalls

Housing and Property Chamber First-tier Tribunal for Scotland



Re-inspection report

Property: 1 Middlefield Cottage, Hawkhill, Cupar KY15 4PL

Ref no: prhp/rp/16/0349

Surveyor : Geraldine Wooley MRICS

Access: 13/03/17 at 10.00am
Weather – fine and dry

Attendee: Mr Jamie Jameson – co-tenant.



General comments: some attempt has been made to address the issues of the fire detection system and electrical condition, but problems remain. There has been no change to the condition of the conservatory.

RSEO: works required

- (a) To repair the conservatory roof and door to make it wind and watertight, and to repair the floor tiles
- (b) To upgrade the fire alarm system and install carbon monoxide alarms to meet current standards
- (c) To produce within 4 weeks of notice of this decision an Electrical Installation Condition Report carried out by a properly registered electrician, and showing that the fire alarm system meets current standards and is in working order, and that the electrical installation in the property is in a fit state to support the fire alarm system
- (d) To ensure that the back door is wind and watertight, has a key and working lock, and is in full working order

Works in RSEO undertaken:

Fire detection system:

- a) the smoke alarms in both back and front lobbies are now in working order (photo 1b) and a new smoke alarm has been installed in the room at the end of the front corridor (photo 1c). On testing, smoke alarms seem to be interconnected.
- b) There are heat alarms in both the kitchen (photo 1d) and sitting room. However, on testing they did not appear to be interconnected with the smoke alarm system
- c) A CO monitor has been installed in the living room (photo 2)

Electrical system: some minor repairs have been carried out to the lighting system

Back door: this now has a key and is in working order (photo 3b). The tenant complains that it is still draughty, but there are seals in place and externally the door seems to be well-fitted. The position and age of the house leaves it exposed to wind, so further improvement may not be possible.

Works in RSEO outstanding:

- (a) There has been no progress in repairing the conservatory roof and door to make it wind and watertight, or in repairing the floor tiles (see photos in Appendix B)
- (b) Further attention is needed to the fire alarm system to ensure that smoke and heat alarms are interconnected and in working order
- (c) No Electrical Installation Condition Report has been produced, although Mr Jameson informed me that an inspection was carried out the previous week, when several C2 items were found, indicating that repairs are needed to bring the installation up to a satisfactory standard.

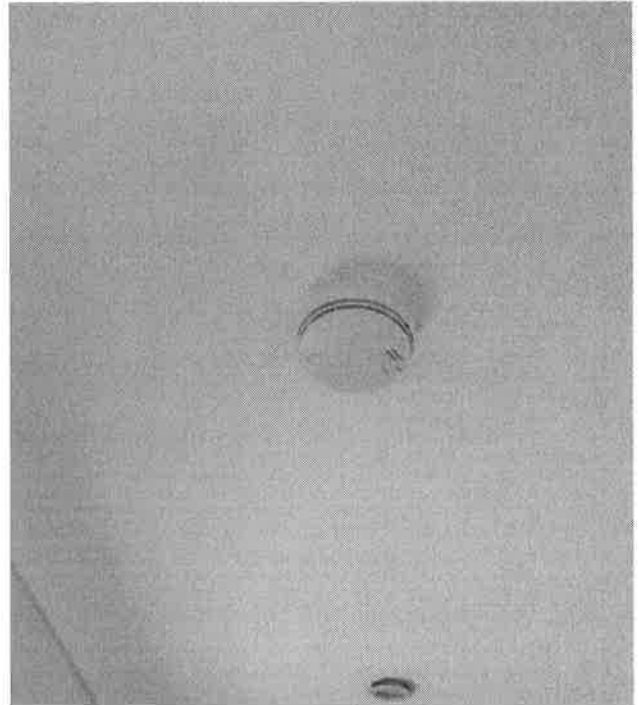
APPENDIX A – items which have been addressed

1) Fire detection system: smoke alarms interconnected

1a) As at 13/01/17: Smoke alarm in front lobby – base plate but no alarm fitted



1b) As at 13/03/17 correctly fitted (note damaged light fitting at base of photo)



1c) New smoke alarm fitted in room at end of front lobby



1d) Heat alarm in kitchen: installed but not interconnected



2. CO alarm installed in living room



3) Rear external door- means of escape in fire

3a) As at 30/01/17: No key – cannot be opened



3b) As at 13/03/17 key found – door is in as good working order as can be expected in this location



APPENDIX B – items from previous report which have not been addressed

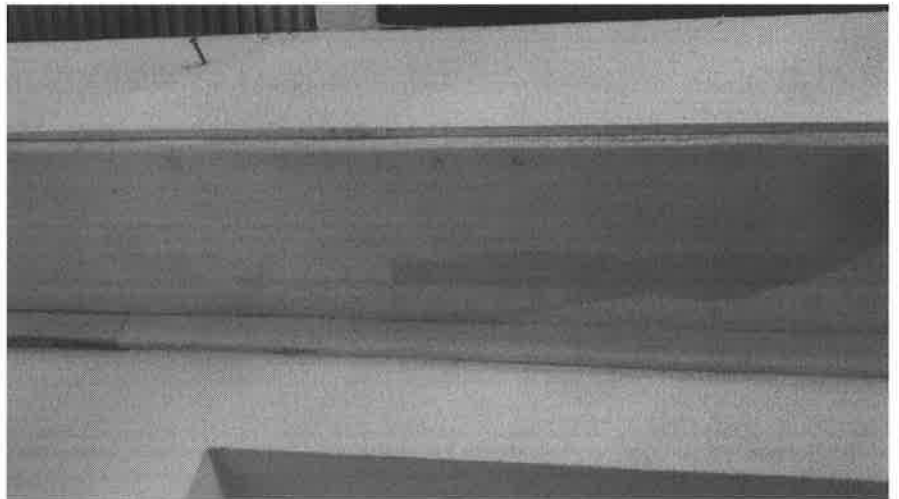
1) Conservatory

The room is not wind and watertight, with evidence of water penetration from valley gutter between conservatory and main house, and slipped glazing panels to the roof exposing the flashing and open to the air.

1a) Valley gutter



1b) Internal evidence of water penetration beneath valley gutter



1c) Loose floor tiles around door



1d) Left slipped glazing panels exposing the flashing with gap to open air



1e) Right slipped glazing panel exposing the flashing



Housing and Property Chamber

First-tier Tribunal for Scotland



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

RENT RELIEF ORDER: Housing (Scotland) Act 2006 Section 27

Chamber Ref:PRHP/RP/16/0349

**1 Middlefield Cottage, Hawklaw, Cupar , Fife KU15 4PL
("The House")**

The Parties:-

**Miss Kerrie Noble,
1 Middlefield Cottage, Hawklaw, Cupar , Fife KU15 4PL
("the Tenant")**

**Mr Alan Hughes
(represented by their agent Your Move, 31A North Bridge Street, Bathgate,
west Lothian, Scotland EH48 4JP
("the Landlord"))**

NOTICE TO ("the Landlord")

Whereas in terms of its decision dated 31st march 2017, the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the house made by the tribunal.

The tribunal determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 15% of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the said Act.

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.

If a party seeks permission to appeal and this permission is refused, the decision will be treated as having effect from the day on which the refusal is made (unless the

party then seeks permission from the Upper Tribunal to appeal the decision. In that event, if permission is refused, the decision is treated as having effect from the day on which the Upper Tribunal refuses the permission).

If permission for an appeal against the decision of the tribunal is granted, then the effect of the decision and the Rent Relief Order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal. In the event that the decision is upheld, then the decision will be treated as having effect from the day on which the appeal is abandoned or so determined. The Rent Relief Order will be effective 28 days from the date on which the appeal is abandoned or so determined.

If an application for permission to appeal is received, then the tribunal will notify you of this and the eventual outcome of that application and any subsequent appeal.

Signed

L Dowdalls

Date

31/3/17

Chairperson