

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/13/0019

Title no/Sasines Description:

ALL and WHOLE the subjects known as and forming West Lodge, Stobo, Peebleshire EH45 8NY being part of the lands and Estate of Stobo, in the Parish of Stobo, more particularly described in Disposition in favour of Charles Richard Seymour dated 4 November and recorded in the Division of the General Register of Sasines for the County of Peebles on 20 November, both months of 1997.

("The Property")

The Parties:-

Carol McMillan, West Lodge, Stobo, Peebleshire EH45 8NY (hereinafter referred to as "the Tenant")

Hugh and Charles Seymour, Easterknowe Farmhouse, Stobo, Peebleshire EH45 8NU (hereinafter referred to as "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 dated 28 October 2013 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 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.

In witness whereof these presents type written on this and the preceding page are executed by John Miller McHugh, solicitor, 65 Haymarket Terrace, Edinburgh, Chairing Member of the tribunal at Edinburgh on 18 June 2017 before this witness:-

____witness____ J McHugh ____Chairing Member

GILIAN MURPHY name in full

65 HAYMARKET TERRACE Address

EDINBURGH EH12 5DB

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 Sections 25 (1) and 60

Chamber Ref: PRHP/RP/13/0019

Property at West Lodge, Stobo, Peebleshire EH45 8NY ("The Property")

The Parties:-

Carol McMillan, West Lodge, Stobo, Peebleshire EH45 8NY ("the Tenant")

Hugh and Charles Seymour, Easterknowe Farmhouse, Stobo, Peebleshire EH45 8NU ("the Landlord")

Tribunal Members

John McHugh, Chairperson

Robert Buchan, Ordinary (Surveyor) Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"), decided to vary the Repairing Standard Enforcement Order dated 28 October 2013 ("the RSEO") issued by the Private Rented Housing Committee ("the Committee") by deleting the requirement to carry out repair to the décor. Thereafter, having carried out a further inspection of the House, determined that the work required by the RSEO had been completed and resolved to issue a Certificate of Completion of Work.

The decision of the Tribunal Members was unanimous.

Background

The RSEO required the Landlord to complete the following work within three months of service of the RSEO:

- 1 To have all windows in the House, whether by replacement or repair, put into a reasonable state of repair such that they are able to be opened and closed with ease, with all locks working, and so as to prevent water ingress and to reasonably exclude draughts, with all panes of glass undamaged and all frames and sills to be painted adequately and with all mould removed. (As regards the metal windows in the upstairs bedroom there is no obligation to ensure that they can be opened.)
- 2 To repair all decorative damage in the downstairs bedroom and the downstairs hall resulting from water ingress and to remove all mould present.
- 3 To put all light fittings in the House into safe working order and to obtain a certificate from a qualified electrician that the electrical installations in the House are in safe working order and to produce a copy of same to the Committee.
- 4 To repair or replace the wooden lean to garage so that it is in a reasonable state of repair without any sections of rotten wood.
- 5 To repair the ceiling of the store such that it is in a reasonable state of repair.
- 6 To put the front door into a state of repair such that it is reasonably wind and watertight.
- 7 To provide a supply of water which is of sufficient quality and quantity for normal domestic use at the House to include providing, at the Landlord's sole cost, any consumable items such as filters which may be required and to obtain a report by a suitably qualified, independent person as to the sufficiency of the quality and quantity for domestic use of the water supply to the House and to produce a copy of said report to the Committee.

Reasons for the Decision

On 13 February 2014, the Surveyor Member of the Committee carried out a re-inspection of the House.

At the re-inspection the following was noted:

The windows in the kitchen had been overhauled and were satisfactory. The broken window in the cupboard off the bedroom had been boarded over. The other windows had not been repaired or replaced.

The decoration to the downstairs hall and bedroom had not been done and the mould had not been dealt with.

The lights over the stairs and the downstairs hall had been replaced. The kitchen light and the downstairs bedroom light had not been given attention. The hall plaster and finish required to be made good.

No electrical safety certificate had been displayed to the Committee.

The timber garage had not been repaired or replaced.

The store ceiling had been patched with board and required plaster to complete the job.

The front door had been made good and operates satisfactorily.

The water supply had been improved and appeared to be adequate in quality and quantity but no report on these matters had been displayed to the Committee.

Accordingly, some works required by the RSEO had not been completed.

A further re-inspection was carried out by the Surveyor member of the Committee on 29 July 2014. This revealed that since the previous inspection many of the outstanding works had been given attention. In particular, the following was noted:

1 The windows in the kitchen had been overhauled and are satisfactory. The broken window in the cupboard off the bedroom had been replaced with a new double glazed unit. The windows in the bay had been replaced with double glazed deadlights similar to the cupboard.

2 The decoration to the downstairs hall had been done. A patch of stained wall in the bedroom had not been dealt with for the reason reported that the wall still had to dry out.

3 The light over the stairs and the downstairs hall light had been replaced. The downstairs bedroom light had been fixed and now works. There was still no light in the kitchen. The hall plaster and finish had been

made good. An electrical safety certificate has been obtained by the landlord..

4 The timber garage had been replaced with a new shed. The roof had no gutter (rhone) fitted so rain cascades off the roof on to the path to the side. Telephone cables connected to the house lie on the surface of the path and are considered to be a trip hazard.

5 The store ceiling had been patched with board and finished with plaster and paint.

6 The front door had been made good and operated satisfactorily. Additionally, new handrails had been fitted to the entry bridge to the main door.

7 The water supply had been improved and appeared (in so far as could be ascertained from visual inspection alone) to be adequate in quantity and quality. A report from a suitably qualified person as to the quality and quantity of water for domestic purposes had not been displayed to the Committee.

The Landlord has since produced a report dated 13 June 2013 by Scottish Water confirming that the water supply was of suitable quality and a report by Glendinning Groundworks Ltd 30 March 2015 confirming its acceptable quantity.

On 24 February 2017 the Tribunal re-inspected the property and found that all works had been completed with the exception of: (i) redecoration of some areas affected by the repairs and (ii) works to the second bedroom door.

Works to item (ii) have recently been confirmed by the parties as having been completed. There is some confusion in relation to decoration where the Landlord had indicated that all redecoration had now been completed and the Tenant has indicated that some redecoration remains outstanding but that she proposes to deal with that herself. The Committee therefore considered it reasonable to vary the RSEO in accordance with section 25(1) of the 2006 Act by removing the requirement to repair the decor.

The Tenant has more recently raised issues concerning the absence of an electrical cooker circuit and problems with the water filter. These are both new matters which we cannot deal with in this Application. The Tenant is at liberty to deal with these matters by way of a fresh application to the Tribunal.

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.

Signed
John McHugh

Date 18 June 2017

Chairperson