

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)**

Certificate of completion of work under section 60 of the Housing (Scotland) Act 2006 (“the Act”) of the Private Rented Housing Committee issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

**Chamber Ref:** PRHP/RP/16/0088

**Title number:** STG 46189

**Property:** 38A Woodside Road, Raploch, Stirling FK8 1PS (“the property”)

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

Ms Margaret Hutchison, 38A Woodside Road, Raploch, Stirling FK8 1PS (“the tenant”)

Mr Athar Firdous, 32 Alpin Drive, Dunblane, Stirlingshire, FK15 0FQ

#### **Tribunal Members:**

Simone Sweeney (Legal member) Kingsley Bruce (Surveyor member)

### **CERTIFICATE OF COMPLETION**

The tribunal hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 14th July 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

**Right of Appeal**

A party to this application, 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 63**

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

S Sweeney

Legal chair

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AT GLASGOW ON 16<sup>th</sup> FEBRUARY 2017

B Divers

Witness.....

Barry Divers, Advocate, Advocates' Library, 11 Parliament Square, Edinburgh, EH1 1RQ

# Housing and Property Chamber First-tier Tribunal for Scotland

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## **First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)**

Statement of facts and reasons for a decision to grant certificate of completion of work under section 60 of the Housing (Scotland) Act 2006 (“the Act”) of the Private Rented Housing Committee issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

**Chamber Ref:** PRHP/RP/16/0088

**Property:** 38A Woodside Road, Raploch, Stirling FK8 1PS (“the property”)

**Title Number:** STG 46189

### **The Parties:-**

Ms Margaret Hutchison, 38A Woodside Road, Raploch, Stirling FK8 1PS (“the tenant”)

Mr Athar Firdous, 32 Alpin Drive, Dunblane, Stirlingshire, FK15 0FQ (“the landlord”)

### **Tribunal Members:**

Simone Sweeney (Legal member) Kingsley Bruce (Surveyor member)

### **Decision**

1. That a certificate of completion of works in terms of section 60 of the Act be issued.

### **Statement of facts and reasons**

2. The tribunal issued a Repairing Standard Enforcement Order (RSEO) on 14th July 2016. The terms of the RSEO were that the landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and in particular the following specific areas:-

- (i) *To instruct a suitably qualified specialist to carry out an investigation of the entire property to establish the extent of the issue of condensation at the property; to identify the cause of the condensation; and to provide recommendations on which works are required to remedy the problem of condensation;*
- (ii) *To produce a report to the PRHP with the findings of these investigations within 28 days of receipt of this order. Upon receipt of that report the committee will consider which further Order should be made;*
- (iii) *To repair or replace the front door and surrounding door frame to ensure that it is wind and water tight;*
- (iv) *To repair or replace the back door and surrounding door frame to ensure that it is wind and water tight;*
- (v) *To provide a carbon monoxide detector and to attach this to the wall of the kitchen and ensure that this is compliant with the statutory guidance of the Scottish Government which applies to the provision of carbon monoxide alarms in private rented properties;*
- (vi) *To install 2 smoke alarms at the property which is compliant with the statutory guidance of the Scottish Government which applies to the provision of smoke and fire detection alarms in private rented properties and;*
- (vii) *To produce to the PRHP a Domestic Electrical Installation Certificate in respect of these smoke alarms, once installed;*

- (viii) To repair or replace all gas appliances at the property to ensure that they are in full working order and in a reasonable state or repair;*
- (ix) To produce to the PRHP, a Gas Safety certificate for the property;*
- (x) To have the bathroom inspected by a suitably qualified plumber to establish whether the sanitary ware is fitted appropriately to prevent any escape of water, that this is in full working order and to identify the source of the dampness within the internal cupboard in the hallway and bathroom floor and; for the plumber to provide his findings, in writing.*
- (xi) To produce to the PRHP a copy of the plumber's findings in a written report.*
- (xii) To carry out all ancillary works necessitated by the above works to and make good all decoration.*

3. The tenant vacated the property on 7<sup>th</sup> September 2016. The tribunal being satisfied that the terms of the application raised potential issues of a risk to the health and safety of any new tenants at the property continued the application.

4. The surveyor member re-inspected the property on 19<sup>th</sup> September 2016 to ascertain whether the work required by the RSEO had been completed. Reference is made to the terms of the surveyor's report of 19<sup>th</sup> September 2016, specifically,

*"At the time of the re-inspection the only items of work, required by the Repairing Standard Enforcement Order (RSEO) which had conclusively been undertaken were items iv and vi, the back door had been replaced, but was unpainted, hard wired smoke and heat detectors had been installed. The Landlord had a CO detector with him, however this had not been affixed in the property. The landlord*

*claimed that repairs had been undertaken to the front door, however works were not immediately apparent and it could not be concluded that the door was wind and watertight.”*

5. At the time of the re-inspection on 19<sup>th</sup> September 2016 the surveyor was of the opinion that the terms of the RSEO had not been met.
6. The re-inspection report was shared with the landlord. The landlord responded by email of 27<sup>th</sup> September 2016 intimating a specialist report from Richardson and Starling of the same date.

7. The report read:

*“Internal Inspection*

*Our findings within the areas as instructed are as follows:*

*Rising Damp*

*Using instrumental analysis we were unable to record any readings which would suggest the presence of rising damp.*

*Note*

*Slight condensation has been affecting the room front left and room front centre. These areas have now been washed down with a fungicidal wash and appear in good order.*

*No treatments are recommended by Richardson and Starling.”*

8. The landlord sent an email to the tribunal administration attaching a copy of a report from Dyno dated 29<sup>th</sup> September 2016. The report referred to an inspection of the property by a plumber and stated, *“Summary of work run bath. No leak found”* and *“no further works identified.”*
9. Also attached to that email was a Gas safety certificate for the property dated, 5<sup>th</sup> August 2016. The certificate stated that there were no defects identified by the gas safety engineer at the time of his inspection.
10. An inspection and hearing were arranged for 7<sup>th</sup> November 2016 at 10am. Intimation was provided to the landlord. The tribunal members attended the

property. The landlord failed to attend and no access was gained to the property. No explanation was received from the landlord to explain his non-attendance.

11. A further inspection and hearing were arranged to take place on 21<sup>st</sup> December 2016. By email of 21<sup>st</sup> December 2016 (sent at 8.36am) the landlord contacted the tribunal administration to advise that due to a death in the family he would be unable to attend the inspection and hearing.
12. An inspection and hearing were rearranged to take place on 19<sup>th</sup> January 2017 at 10am. The tribunal attended the property. The landlord, only, was in attendance, although late. Access to the property was gained at approximately 10.20am.
13. On inspection, the tribunal identified that new weather seals had been fixed around the front door. The front door was identified to be wind and water tight.
14. On inspection, the tribunal identified that the new door fitted to the kitchen at the rear of the property had been fitted. The back door was found to be wind and water tight. The back door had been painted.
15. On inspection, carbon monoxide detectors were fitted to the walls above the internal kitchen door and the living room door.
16. The tribunal identified smoke and heat detectors attached to the ceilings of the kitchen, hallway and living room.
17. The surveyor carried out a test of the moisture levels within the front bedroom at the end of the property furthest from the front door. The readings did not identify high levels of dampness or condensation. It was identified that the room had been painted, had a new carpet and the central heating was operating.
18. The surveyor tested the levels of moisture within the internal cupboard in the hallway. The readings did not give rise to concern of dampness or condensation within the cupboard. The cupboard had been freshly painted and was filled with, amongst other things, children's toys and DVDs.

19. Within the bathroom the shower screen had been removed and a side panel fitted to the bath.
20. A hearing took place at Wallace House, Maxwell Place, Stirling at 11am on 19<sup>th</sup> January 2017. The purpose of the hearing was to establish whether the landlord had complied with the terms of the RSEO of 14<sup>th</sup> July 2016. The landlord, only, was in attendance.
21. The landlord referred to the redecoration works he had undertaken at the property; the installation of smoke and heat detectors which he submitted were hard wired and radio linked; the installation of carbon monoxide detectors; replacement of the back door; applying new weather seals to the front door; and recovery of reports from Richardson and Starling in respect of the condensation previously identified by the tribunal; from Dyno to address the requirement of the RSEO to have a suitably qualified plumber inspect the bathroom; and production of Electrical Installation Condition Report ("EICR") and gas safety certificate. It was the landlord's position that he had carried out all works required in the RSEO.
22. The tribunal legal chair advised the landlord that no EICR had been produced to the tribunal members as per the terms of section (vii) of the RSEO.
23. The landlord advised that he had a copy of an up to date EICR and had thought, mistakenly, that this had been submitted. The landlord had the benefit of an I-pad at the hearing. He was able to show to the tribunal members a scanned copy EICR document from his I-pad. In order that the tribunal members could consider the document in more detail and whether or not it complied with the terms of part (vii) of the RSEO, the tribunal legal chair requested a copy of the EICR be sent to the tribunal administration as soon as possible.
24. The landlord confirmed to the tribunal that he would do this immediately. The landlord enquired how soon the tribunal would reach its decision. It was explained to the landlord that it was imperative that the landlord produce all that was required of him in terms of the RSEO and that, only upon receipt of this information, would the tribunal be in a position to reach a final decision.



25. Following an email request from the tribunal administration, the landlord submitted an EICR on 14<sup>th</sup> February 2017. The EICR was dated 27<sup>th</sup> September 2016. The electrician who had completed the document was identified as Scott McGlaughlin of DSE Electrical Ltd. The extent of the electrical installation covered by the report was described as, “full EICR.” The general condition of the installation was described to be, “OK.” Further inspection of the installation was recommended in 5 years or if there was a change of tenant.

### **Findings of the tribunal**

26. The tribunal concluded that the report from Richardson and Starling dated 27<sup>th</sup> September 2016, although not produced timeously, satisfied the terms of (i) and (ii) of the RSEO.
27. The tribunal was satisfied that the repairs undertaken to the front door of the property made it wind and water tight at the time of the re-inspection on 19<sup>th</sup> January 2017 and that this satisfied part (iii) of the RSEO.
28. That part (iv) of the RSEO was now met with replacement of the back door. The landlord conceded that the door which had previously been in place had not been adequate.
29. That installation of carbon monoxide detectors on the walls of the living room and kitchen satisfied part (v) of the RSEO.
30. That the smoke and heat alarms now fitted within the property met the requirements of part (vi) of the RSEO.
31. That the EICR dated 27<sup>th</sup> September 2016 was produced on 14<sup>th</sup> February 2017 and confirmed that the electrical installation of the property was satisfactory.
32. The tribunal is satisfied that the electrical installation included within the EICR included the smoke alarms and that the EICR satisfied the terms of section (vii) of the RSEO.
33. That the gas safety certificate of 5<sup>th</sup> August 2016 met the requirements of parts (viii) and (ix) of the RSEO.

34. That the report from Dyno, produced by the landlord, met the requirements of (x) and (xi) of the RSEO.
35. That decoration had recently been undertaken within the front end bedroom and hallway cupboard of the property which satisfied what was required at part (xii) of the RSEO.
36. The tribunal was satisfied that all work required by the Repairing Standard Enforcement Order had been carried out. The tribunal resolved to issue a Certificate of Completion.
37. The decision of the tribunal was unanimous.

### **Right of Appeal**

38. A party to this application, 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 63**

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

S Sweeney

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....legal member

AT GLASGOW ON 16<sup>th</sup> FEBRUARY 2017

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Property: 38a Woodside Road, Raploch, Stirling, FK8 1PS**  
**Ref No: PRHP/RP/16/0088**

**Surveyor: Kingsley K Bruce, MRICS**

**Access:**

The property was reinspected at 10:00 on 19 January 2017 by Ms S. Sweeney Legal Member and Mr KK Bruce, Surveyor Member of the Tribunal, the Landlord did not arrive until 10:11.

The interior of the house was inspected visually, whilst standing at floor level within the various rooms, the exterior, whilst standing at ground level in the garden or on the street adjacent.

**In Attendance:**

My inspection was accompanied, by the Landlord Mr Arthar Firdous, who was present in the property throughout the inspection, the tenant Ms Margaret Hutchison, who lodged the application was not present having vacated the property.

The property was furnished and there were stored items throughout.

Subsequently a Hearing was held at 11:30 on the same day at Stirling, the Landlord was in attendance.

**Weather:**

Conditions were generally dry and bright at the time of re-inspection.

**Requirements of the Repairing Standard Enforcement Order (RSEO):**

The RSEO dated June 2016 required the landlord, as follows:

- (i) to instruct a suitably qualified specialist to carry out an investigation of the entire property to establish the extent of the issue of condensation within the property; to identify the cause of the condensation; and to provide recommendations on which works are required to remedy the problem of condensation;**
- (ii) to produce a report to the PRHP with the findings of these investigations within 28 days of the date of receipt of this order. Upon receipt of that report the committee will consider which further Order should be made;**
- (iii) To repair or replace the front door and surrounding door frame to ensure that it is wind and water tight;**
- (iv) To repair or replace the back door and surrounding door frame to ensure that it is wind and water tight;**
- (v) To provide a carbon monoxide detector and to attach this to the wall of the kitchen and ensure that this is compliant with the statutory guidance of the Scottish Government which applies to the provision of carbon monoxide alarms in private rented properties.**
- (vi) To install 2 smoke alarms at the property which is compliant with the statutory guidance of the Scottish Government which applies to the provision of smoke and fire detection alarms in private rented properties and;**
- (vii) To produce to the PRHP a Domestic Electrical Installation Certificate in respect of these smoke alarms, once installed;**
- (viii) To repair or replace all gas appliances at the property to ensure that they are in full working order and in a reasonable state or repair;**
- (ix) To produce to the PRHP, a Gas Safety certificate for the property;**
- (x) To have the bathroom inspected by a suitably qualified plumber to establish whether the sanitary ware is fitted appropriately to prevent any escape of water, that it is in full working order and to identify the source of the dampness within the internal cupboard in the hallway and bathroom floor and; for the plumber to provide his findings, in writing.**
- (xi) To produce to the PRHP a copy of the plumber's findings in a written report.**
- (xii) To carry out all ancillary works necessitated by the above works to and make good all decoration.**

***The Private Rented Housing Committee ordered that the works specified in this Order must be carried out and completed within a period of 4 weeks from the date of service of the Notice.***

**Works required by the RSEO which have been undertaken:**

A visual inspection of the property was undertaken, looking specifically at the items/areas which were subject of the application and the RSEO, as served on the Landlord.

Following a previous re-inspection undertaken by Mr KK Bruce on 19 September 2016 the following summary of findings was made:

*“At the time of the re-inspection the only items of work, required by the Repairing Standard Enforcement Order (RSEO) which had conclusively been undertaken were items iv and vi, the back door had been replaced, but was unpainted, hard-wired smoke and heat detectors had been installed. The Landlord had a CO detector with him, however this had not been affixed in the property. The landlord claimed that repairs had been undertaken to the front door, however works were not immediately apparent and it could not be concluded that the door was wind and watertight.*

*Based upon the findings of the re-inspection, the requirements of the RSEO had not been met at that date.”*

On 20 January 2017 the findings of the Tribunal Members was as follows:

The bedroom nearest the party wall was inspected and readings were taken with an electronic moisture meter, the readings obtained were within an acceptable range and did not denote significant levels of structural dampness or moisture on that day.

Within the cupboard off the hall, where indications of water escape from the bathroom had been evident previously, readings taken with an electronic moisture meter were found to be within an acceptable range.

The front door was examined and it was apparent that weather strips had been fitted around the door externally and it appeared to be weathertight.

The back door, previously replaced had been painted.

Carbon monoxide detector had been affixed within the property.

Kingsley K Bruce, MRICS  
Surveyor Member  
Private Rented Housing Panel

**22 February 2017**

**Schedule of Photographs**

