

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) being the statutory successor to the Private Rented Housing Committee in terms of the First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (SSI 2016/337).

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

Chamber Ref: PRHP/RP/13/0065

Title number: GLA44701

Property: 78 Kenmure Street, Glasgow, G41 2NR (“the property”)

The Parties:-

Ms Yousef Samater, 78 Kenmure Street, Glasgow, G41 2NR (“the tenant”)

Ms Tanzeela Khan, 10 Westfarm Avenue, Glasgow, G72 7RH (“the landlord”)

Tribunal Members:

Simone Sweeney (Legal member) Mike Links (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 18th March 2014 has been


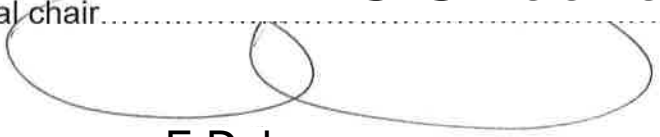
completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

Appeal Provisions

A landlord, tenant or third party 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.

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 type written on this and the preceding page are executed by Simone Sweeney, solicitor, 25 Cochrane Street, Glasgow, G1 1HL, legal chair of the tribunal at Glasgow on 13th June 2017 before this witness:-


Legal chair..... **S Sweeney**

Witness..... **E Dolan**

Glasgow 13th June 2017

Witness Details - **E Dolan**
Modern Apprentice,
Business Solutions,
Wheatley House,
25 Cochrane Street,
GLASGOW G1 1HL

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) being the statutory successor to the Private Rented Housing Committee in terms of the First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (SSI 2016/337).

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”) issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Chamber Ref: PRHP/RP/13/0065

Property: 78 Kenmure Street, Glasgow, G41 2NR (“the house”)

Title Number: GLA 44701

The Parties:-

Ms Yousef Samater, 78 Kenmure Street, Glasgow, G41 2NR (“the tenant”)

Ms Tanzeela Khan, 10 Westfarm Avenue, Glasgow, G72 7RH (“the landlord”)

Tribunal Members:

Simone Sweeney (Legal member and Chairperson); Mike Links (Ordinary member (Surveyor))

Decision

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

and to thereafter remit the Peter Cox report to the PRHP admin. A Mr Wilson of Peter Cox is due to inspect the property on Tuesday 15th November 2016.”

5. At the time of the re-inspection on 14th November 2016 the surveyor member was of the opinion that the terms of the RSEO had not been met.
6. The re-inspection report was shared with the landlord. Mr Abdul Khaliq Khan responded on behalf of the landlord by letter of 5th December 2016 enclosing a specialist report from Advanced Preservation Specialists dated, 1st December 2016. The letter from Mr Khan confirmed that, on receipt of the surveyor member's report of 14th November 2016, he had arranged for another surveyor to inspect the house. This surveyor member also reported dampness at the same site and listed recommendations to remedy the dampness. Mr Khan indicated that the landlord intended to carry out works to the house to address the problem. The letter stated:

“The work will be commencing on the 12th December and will be finished around the 15th December.”

7. In light of this undertaking by the landlord to carry out works to address the issues identified by the tribunal and the fact that the property was vacant, the tribunal determined that further time should be afforded to the landlord to complete the works required by the RSEO.
8. A further inspection of the house was arranged for 28th February 2017 at 10am.
9. The landlord and Mr Khan were present at this inspection with their family. The Ordinary member's findings are set out in his further report dated, 28th February 2017. The reports of 14th November 2016 and 28th February 2017 should be read together.
10. The Ordinary member (surveyor) identified that damp proofing works had been undertaken in the rear bedroom and hallway of the house. The works had been completed by Advanced Preservation Specialists and a ten year guarantee of the works had been issued by this company. A copy of this guarantee was made available to the Ordinary member.

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 member

AT GLASGOW

Date: 13th June 2017.

Housing and Property Chamber

First-tier Tribunal for Scotland



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

RE-INSPECTION REPORT



PROPERTY: Main door flat, 78 Kenmure Street, Glasgow G41 2NR

HPC REF No: PRHP/RP/13/0065

SURVEYOR: Mike Links

IN ATTENDANCE: Mr & Mrs Khan and family.

WEATHER: Wintry showers.

ACCESS:

I re-inspected the property on Tuesday 28th February, 2017 at 9.50am

RSEO: See re-inspection report dated 16th November 2016. This report should be read in conjunction with the report dated 16th November 2016.

WORKS IN RSEO UNDERTAKEN:: Messrs Advanced Preservation Specialists has undertaken damp proofing works and issued a ten year guarantee.

Mr Khan has remitted to the tribunal a Certificate of Guarantee issued by Messrs Rentokil, dated 26th October 1984.

During the inspection Mr Khan showed me a copy of the report prepared by Advanced Preservation Specialists and their ten years' guarantee.

The damp-proofing works undertaken in the rear bedroom and hall have been successful and no signs of rising damp were noted.





WORKS IN RSEO OUTSTANDING:

No works outstanding.

RECOMMENDATION:

Once the re-inspection report is forwarded to Mr Khan for comment the Committee will then decide what further action is required.

Mike Links

Ordinary Member (Surveyor)

Housing and Property Chamber

Date: 28th February 2017



PRHP Re-inspection report



Property: Main door flat, 78 Kenmure Street, Glasgow
G41 2NR

Ref no: PRHP/RP/13/0065

Surveyor: Mike Links

In Attendance: Mr & Mrs Khan and family.

Ms Samater is no longer a tenant

Weather: Dry and overcast

Access: I re-inspected the property on Monday 14th November 2016 at 10.30 am.

RSEO: The following works are required by the RSEO following on from the Inspection and Hearing on 14th February 2014.

- (a) to have the House (including lower walls and sub floor timbers, etc) inspected by a competent firm of damp proofing and timber preservation specialists and a report obtained specifying what necessary remedial action is required to be carried out to eradicate the damp in the House and to produce a copy of the report to the Private Rented Housing Committee within one month from the date of service of this Notice; and

(b) to carry out such works as are recommended in the report within two months from the date of acceptance of the report by the Private Rented Housing Committee.

Works in RSEO undertaken:

No report has been obtained nor any works undertaken.

Works in RSEO outstanding:

In the course of my inspection I observed some areas of dampness, mainly within the rear Bedroom (to right) and in the Hall at the partition wall to the Bathroom.



Hall



Hall



Bedroom

Bedroom



Bedroom

All photographs taken on the 14th November 2016.

Mr Khan advises me that the flat was treated for rising dampness about 25 years ago by Messrs Rentokil. No paperwork was exhibited to me with regard to this work.

In light of the RSEO Mr Khan has instructed Peter Cox Timber Preservation to undertake a survey of the flat and to report on the extent of any dampness or timber decay and to thereafter remit the Peter Cox report to the PRHP admin. A Mr Wilson of Peter Cox is due to inspect the property on Tuesday 15th November, 2016.

Recommendation:

Once the re-inspection report is forwarded to the Landlord for comment the committee will then decide what further action is required.

Mike Links

Surveyor Member

Private Rented Housing Panel

Date: 16th November 2016

ADVANCED PRESERVATION SPECIALISTS LTD
Certificate of**GUARANTEE**Contract No203264..... Survey Report Date...1st December 2016.....Contract Completion Date...16th December 2016.....

Property Address....MAIN DOOR FLAT, 78 KENMURE STREET, POLLOKSHIELDS, GLASGOW.....

1. This guarantee is issued in respect of work carried out by Advanced Preservation Specialists Ltd (APS) at the above named property in accordance with the above-mentioned report and associated relevant documentation.
2. APS guarantee, for a period of 10 years from the date that the contract was completed, that any continuation or recurrence of infestation by woodworm or attack by a wood rotting fungus in any of the timbers treated against such decay, will be treated free of charge to include such re-treatment as may be necessary, excluding redecoration. In the event of any continuation of attack by a wood-rotting fungus beyond the areas originally treated the treatment would be correspondingly extended.
3. Should the damp course installed as detailed in the report fail to prevent the rise of dampness from the earth into the walls within a period of 10 years from the date that the contract was completed, APS guarantees to repair the failure free of charge, excluding redecoration.
4. In the event of a claim under the terms of this guarantee, an investigation charge will be made and will be refunded if any treatment covered by clauses 2 & 3 has failed, subject to the conditions in clause 5.
5. This guarantee shall not apply (a) where the area of treatment or damp course installation has been damaged or interfered with by the client or by any other person (b) where the decay or rising damp results from a failure on the part of the client to maintain the structure of the building, including rainwater disposal systems, domestic plumbing, ground levels in relation to the damp proof course, sub-floor ventilation or otherwise in any recommendations made by APS in writing.
6. This guarantee does not extend to furniture, doors, concrete applications or any external timbers open to weather conditions.
7. The rights conferred upon the client by this document shall be in addition to any rights the client may have at Common Law.
8. Subject to Clause 9 below, the benefit of the remaining period of the Guarantee will pass automatically to any subsequent owner of the property named above.
9. This Guarantee is conditional upon APS receiving payment in full for the work carried out at the above named property in accordance with the above-mentioned report, estimate, and contract.
10. Any claim against the Guarantee can only be upheld upon the provision of the original Report, Estimate, and Guarantee.

FOR AND ON BEHALF OF ADVANCED PRESERVATION
SPECIALISTS LTD*Caroline Taylor*.....

CLIENT:

Mr Khan
78 Kenmure Street
Pollokshields
Glasgow
G41 2NR

PROPERTY ADDRESS:

78 Kenmure Street
Pollokshields
Glasgow

SURVEYOR: Mr Jonathan Boyd**SURVEY DATE:** 29th November 2016**REFERENCE:** DFB/JB.R10345**REPORT DATE:** 1st December 2016

Property Description: Main Door Tenement Flat

We thank you for your instruction to inspect the accessible walls for apparent rising dampness. We have pleasure in submitting our report.

Our inspection was restricted to the areas designated below. If you require an inspection of any other areas, we shall be pleased to carry out this upon receipt of your further instructions.

Advanced Preservation Specialists Ltd are members of the Property Care Association (PCA) and we confirm that a fully qualified building preservation surveyor has carried out this inspection.

All directions given in this report were taken from outside the property facing the front elevation wall. At the time of inspection weather conditions were dry & overcast.

AREA INSPECTED: Room Rear Right, Lower Walls for Rising Damp

OBSERVATIONS:

Inspection was severally restricted due to fittings, and appliances.

Our initial diagnosis of apparent rising dampness takes into consideration the basic construction of the building, the visual defects noted, and the distribution of moisture patterns obtained by non-destructive testing using a Protimeter Surveymaster Electric Moisture Meter.

At the time of our inspection, moisture meter readings suggested the presence of rising damp in the walls as designated on our enclosed sketch plan.

Rising dampness appears to be due to the apparent absence of an effective damp proof course. In conjunction with our damp proof course, we recommend the application of a John Newton Newlath Membrane to the affected wall areas as per our enclosed sketch.

In addition to a rising damp problem, higher than normal moisture meter readings were recorded to the Rear Elevation wall caused by a blocked airspace between the internal plaster finish and the sandstone substrate. We therefore recommend wallplaster be stripped 1m high with masonry receiving the application of a John Newton Newlath air-gap membrane prior to reforming.

Newlath 2000 is an ideal damp proofing system for application to buildings where damp or water penetration occurs due to the failure of the old substrate. It provides a pristine surface for the application of a completely new finish.

Newlath 2000 damp proofing membrane has been designed by utilising the air gap principle. It creates a barrier, which protects the original wall and produces a new stable surface on which a secondary wall finish can be applied. The air gap created behind the membrane allows the original wall to "breathe" and also ensures that no further deterioration of its surface will occur. Likewise no build up of damp air or water ingress can occur.

Newlath 2000 is a profiled membrane 500 microns thick or virgin polypropylene with a mesh fused to the outer surface during the manufacturing process, in order to provide adhesion for plaster, renders and other finishes.

TREATMENT RECOMMENDED:

A sketch has been enclosed to assist in the identification of the treatment area.

1. Remove and lay aside the skirting boards as necessary.
2. Remove wall plaster to heights as indicated on our enclosed sketch plan.
3. Introduce a low-pressure chemical damp proof course to the walls as indicated on the enclosed sketch plan.
4. Introduce vertical damp proof course barriers, therefore, isolating treated wall areas.
5. Our operatives will install the John Newton "Newlath 2000" system as per the manufacturers instructions, to the areas marked on our enclosed sketch plan.

6. Newlath is to be fixed with the Newlath plug. Maximum fixing. Centres are to be 300mm. Overlaps of 100mm are to be sealed with Newlath mastic, as per the manufacturers instructions.
7. Gypsum bonding plaster or plasterboard is to be applied to the Newlath, followed by finishing plaster to a smooth finish.
8. Renew wall plaster where previously removed in accordance with the enclosed specification.
9. Introduce new fireplace air vent.
10. Treat and refit disturbed skirting boards, renewing where necessary.
11. Leave our work area clear and tidy.

GENERALLY:

We would respectfully draw your attention to the need for you to remove all fixtures, fittings, floor coverings, stored articles etc. from the areas designated for treatments, prior to our commencement on site.

Replacement timbers will be to standard stock item, sections and mouldings, unless otherwise specified.

Our estimate covers only those items specifically stated in the report to be undertaken by Advanced Preservation. All other repairs and/or ancillary works are to be the responsibility of others, under separate contract.

No allowance has been made in our quotation for the removal and subsequent replacement of any electrical, plumbing, or other services unless otherwise stated.

It will be seen from our specification that we have included for the removal of the existing plaster. In removing plaster, it is not unusual for dust to find its way to the remotest parts of the property. We will take precautions to minimise this nuisance wherever practical within the immediate area of our works but we respectfully suggest that you should also take some precautions to protect furniture and the like elsewhere in the property. We regret we can take no responsibility for cleaning or for any damage that may be caused by dust.

During the drying out period, it is recommended that an adequate airflow be maintained to the newly plastered areas and that no permanent construction, which would impede such airflow, is undertaken. Further specialist advice in this regard is available upon request.

Where it is not possible to gain access to both sides of the party wall or flank wall, our Guarantee would be issued on the assumption that the floor or ground on both sides of the wall would be at the same level. We recommend that the client arranges for these levels to be checked prior to the damp proof course insertion.

Our method of installing a damp proof course in the party wall from within your property, whilst being to your neighbours' benefit, does not involve them. It is advisable, however, to inform them of our starting date as the use of rotary percussion drills could cause disturbance.

Our inspection is based upon a close, but not intimate, examination of the areas specified. Inevitably, there will be some timbers that could not be inspected fully, or at all, without cosmetic disturbance. We have, as far as possible inspected accessible exposed surfaces available to us. Our recommendations are, therefore, subject to the qualification that further necessary works may be required once the fabric of the building or a particular element is exposed.

We take this opportunity to thank you for contacting Advanced Preservation Specialists Ltd and trust that you are pleased with our services.

Please complete the enclosed acceptance of quotation and return it to this office whereupon mutually convenient work dates can be arranged.

On final payment of the contract, our long-term 10 year guarantee will be issued offering you peace of mind by protecting your property for the future. We cannot extend the benefits of our guarantee to any external repairs or concrete applications. A copy guarantee is available upon request.

As members of the property Care Association, we are able to offer our customers the option of an insured guarantee for an additional premium.

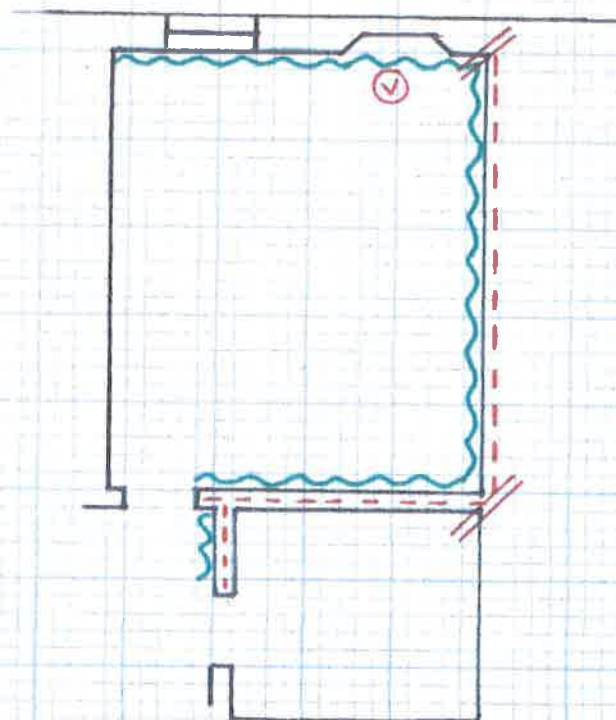
This insured guarantee covers the works carried out by Advanced Preservation Specialists Ltd for a period of 10 years following completion of the contract in the unlikely event that we cease trading in that period. Please inform us at the time of acceptance, if you wish to proceed with this optional cover.

The surveyor who has been dealing with this property is **Mr. Jonathan Boyd** and can be contacted at any time on telephone number **0141 445 5544** or mobile number **0797 1121893**. You can also contact him by e-mail at info@advancedpreservation.co.uk

Yours faithfully
Advanced Preservation Specialists Ltd

Jonathan Boyd CSRT

REAR



PROPERTY ADDRESS
78 KENMURE STREET
POLLOKSHIELDS
GLASGOW

KEY

----- horizontal dpc

// vertical dpc
NEARLY 1M HIGH