

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**Certificate of completion of work: Housing (Scotland) Act 2006 Section 60**

**Chamber Ref: PRHP/RP/15/0112**

**Title No: LAN47029**

**10 Strathspey Crescent, Airdrie, ML6 6JE**  
**("the property")**

**The Parties:-**

**Miss Eva Cupples, formerly residing at the property**  
**("the Tenant")**

**Ms. Cate McDonald, also known as Ms. Catherine MacDonald, 31 Jenny Burton**  
**Way, Hucknall, Nottingham, NG15 7QS**  
**("the Landlord")**

### **The Decision**

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 served on 19 August 2015 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

**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 type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 1 Atlantic Quay, Glasgow, chairperson of the tribunal at Glasgow on 24 July 2017 before this witness:-

**N Pryce**

witness

NICHOLAS PRYCE

name in full

85 BLYTHWOOD ST, GLASGOW

Address

**P Pryce**

Chair and Legal Member

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)**

**Chamber Ref: PRHP/RP/15/0112**

**Title no: LAN47029**

**10 Strathspey Crescent, Airdrie, ML6 6JE  
("the property")**

**The Parties:-**

**Miss Eva Cupples, formerly residing at the property  
("the Tenant")**

**Ms. Cate McDonald, also known as Ms. Catherine MacDonald, 31 Jenny Burton  
Way, Hucknall, Nottingham, NG15 7QS  
("the Landlord")**

**The 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 had complied with the Repairing Standard Enforcement Order dated 17 August 2015 in respect of the property, and taking account of the written information provided by the Landlord determined that the Landlord has complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

**The tribunal consisted of:-**

<b>Patricia Anne Pryce</b>	<b>-</b>	<b>Chair and Legal Member</b>
<b>Carol Jones</b>	<b>-</b>	<b>Ordinary Member (Surveyor)</b>
<b>Mary Lyden</b>	<b>-</b>	<b>Ordinary Member (Housing)</b>

## **Background**

1. On 17 August 2015, the Private Rented Housing Committee ("the Committee") issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the Committee required the Landlord:-
  - (a) To produce an up to date electrical installation condition report that the said installation meets BS 7671 and an in service inspection and test report on all electrical appliances and equipment from a competent suitably qualified and registered electrician.
  - (b) To produce an up to date gas safety record and report by a suitably qualified Gas Safe registered engineer to address the state of repair and working order of the central heating system, including the central heating boiler and flue, and hot water supply in the property.
  - (c) To repair the loose socket located on the wall beside the cooker in the kitchen
  - (d) To repair or replace the shower screen and adjoining sealant to prevent water from escaping from the bath onto the floor below.
  - (e) To install a smoke alarm in the living room and in the ground floor hallway and a heat alarm in the kitchen and to ensure that all of these alarms are hardwired alarms and interlinked with one another.
  - (f) To clean the gutter at the rear of the property to ensure that it is in proper working order.
  - (g) To repair or replace the boundary fence located at the rear of the property between the property and Number 9 Strathspey Crescent, Airdrie.
  - (h) To carry out such repairs as are required to ensure that the garage is wind and watertight.
3. The Committee ordered that the works specified in the RSEO were to be carried within 28 days from 19 August 2015, that is, by 16 September 2015 .
4. The Surveyor Member attempted to re-inspect the property on 30 September and 30 November, both 2015, but failed to obtain access to the property on either occasion. However, the Surveyor Member carried out an external inspection of the property on both occasions and noted that various external repairs required by the RSEO had not been completed. In light of this, the Committee issued a decision under Section 26 (1) of the Housing (Scotland) Act 2006 dated 22 January 2016 unanimously deciding that the Landlord had failed to comply with the RSEO and directed that a notice of failure be served on the Local Authority in which the property is situated.
5. The jurisdiction of the PRHP was assumed by the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") on 1 December 2016.

6. A further inspection of the property was undertaken by the ordinary member (surveyor) of the tribunal on 17 February 2017. The ordinary member found that some of the works required by the RSEO had been completed, namely, the double socket located beside the cooker was no longer loose, the shower screen in the bathroom had been replaced with a new shower curtain and the edge of the bath and bath panel had been re-sealed, there was a new ceiling mounted hardwired smoke alarm in the living room and a new ceiling mounted heat alarm in the kitchen, a new rear garden boundary fence had been erected between the property and the adjoining property at Number 9 Strathspey Crescent and the fascia and soffit boards to the front and left side of the garage had been renewed. However, at the time of inspection all other matters in terms of the RSEO remained outstanding.

7. The Landlord subsequently provided to the tribunal a Gas Safe Certificate and an EICR. However, the tribunal noted that no report in relation to the state of repair and working order of the central heating system, including the central heating boiler and flue and hot water supply, was produced or an in service inspection and test report on all electrical appliances and equipment.

5. The Landlord was sent a copy of the re-inspection report dated 23 February 2017 and replied advising that she wished a further hearing to be arranged. A further hearing took place on 20 April 2017 after which the tribunal issued a decision refusing to revoke the RSEO.

5. The ordinary member (surveyor) of the tribunal re-inspected the property on 3 July 2017 and found that all of the works specified in the RSEO had been completed. It was established at the inspection that there is no electrical equipment and there are no portable appliances in the property so a Portable Appliance Test was not necessary. In light of the foregoing, the tribunal agreed to vary the RSEO to remove the requirement for an in service inspection and test report as contained in paragraph (a) of the RSEO. The Landlord subsequently provided documentary evidence to the tribunal in relation to the installation of smoke and heat detectors together with the proper functioning of the boiler. The Landlord was sent a copy of the ordinary member's report dated 3 July 2017. In response, the Landlord confirmed that she agreed with the terms of the ordinary member's report. A copy of the ordinary member's report dated 3 July 2017 is attached to this decision.

5. Given all of the circumstances, the tribunal found that all of the works in the RSEO had taken place.

6. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

## **Decision**

The decision of the Committee was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

**In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.**

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.



**P Pryce**

Chair and Legal Member

24 July 2017

Date



## **Re-inspection report**



**Date of inspection:** Monday 3 July 2017.

**Reference Number:** PRHP/RP/15/0112

**Property:** 10 Strathspey Crescent, Airdrie ML6 6JE

**Surveyor:** Carol L Jones MA MRICS

**Previous Inspections:** The subject property was inspected by a full committee of the Private Rented Housing Panel on 28 July 2015 and as a result a Repairing Standard Enforcement Order dated 17 August 2015 was served. The property was re-inspected externally on 30 September 2015 and 30 November 2015 and a full internal and external inspection was also carried out on 17 February 2017.

**Access:** Marie Miller from the Scottish Property Centre, the selling agent provided access.

**Weather:** Sunny and dry

**In attendance:** Marie Miller attended the inspection.

**Repairing Standard Enforcement Order (RSEO) dated 17th August 2015.**

Works required by the RSEO:

The Private Rented Housing Committee requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular, the Private Rented Housing Committee requires the Landlord:-

- (a) To produce an up to date electrical installation condition report that the said installation meets BS 7671 and an in service inspection and test report on all electrical appliances and equipment from a competent suitably qualified and registered electrician.
- (b) To produce an up to date gas safety record and report by a suitably qualified Gas Safe registered engineer to address the state of repair and working order of the central heating system, including the central heating boiler and flue, and hot water supply in the property.
- (c) To repair the loose socket located on the wall beside the cooker in the kitchen
- (d) To repair or replace the shower screen and adjoining sealant to prevent water from escaping from the bath onto the floor below.
- (e) To install a smoke alarm in the living room and in the ground floor hallway and a heat alarm in the kitchen and to ensure that all of these alarms are hardwired alarms and interlinked with one another.
- (f) To clean the gutter at the rear of the property to ensure that it is in proper working order.
- (g) To repair or replace the boundary fence located at the rear of the property between the property and Number 9 Strathspey Crescent, Airdrie.
- (h) To carry out such repairs as are required to ensure that the garage is wind and watertight.



**Works in the RSEO undertaken - see attached photograph schedule below:**

- (a) The landlord has now provided an Electrical Installation Condition report by a suitably qualified and registered electrician dated 7 November 2016. This report describes the installation as "Satisfactory". No Portable Appliance Test was carried out as there is no electrical equipment or appliances in the property.
- (b) The landlord has provided a Gas Safety Record (GSR) and Scottish Gas Customer Checklist both dated 22 November 2016. The GSR confirms the gas appliances in the property are safe and the Checklist confirms the boiler has been serviced and all radiators and visible pipework have been checked.
- (c) Prior to the previous re-inspection on 17 February 2017 the landlord had carried out works to secure the double socket on the wall beside the cooker, it is still not completely flush with the tiled wall and there is a slight gap to the right hand side but it is secure.
- (d) Prior to the previous re-inspection the landlord had replaced the shower screen in the bathroom with a new shower curtain and rail and re-sealed along the edge of the bath and bath panel.
- (e) Prior to the previous re-inspection the landlord had installed a new ceiling mounted hardwired smoke alarm in the Living Room and a new ceiling mounted heat alarm in the Kitchen. The landlord has now also installed a new ceiling mounted hardwired smoke alarm in the ground floor hallway.
- (f) Prior to the previous re-inspection the gutter to the rear of the property had been cleaned and appeared to be clear of debris and vegetation.
- (g) Prior to the previous re-inspection the landlord had erected a new boundary fence to the rear garden between the subject property and the adjoining property at Number 9 Strathspey Crescent.
- (h) The landlord had renewed the fascia and soffit boards to the front and left side of the garage prior to the previous re-inspection. The boards to the rear elevation have now also been replaced, the opening mechanisms for the metal up and over style garage door have been repaired and the door now opens and closes properly although the door handle remains broken.

**All photographs were taken at the re-inspection on 3 July 2017 (see schedule below).**

**Comments:** This report will be submitted to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a decision.

**Carol L Jones MA MRICS**  
**Ordinary Member (Surveyor)**  
**First-tier Tribunal for Scotland (Housing and Property Chamber)**

**3 July 2017**

**Schedule of photographs taken during the re- inspection of 10 Strathspey Crescent, Airdrie ML6 6JE by the ordinary member (surveyor) of the First-tier Tribunal for Scotland (Housing and Property Chamber) on the 3 July 2017.**

Reference Number : PRHP/RP/15/0112



New ceiling mounted smoke alarm in ground floor hall



Garage - metal door secured in place



Garage - front fascia board



Garage - rear fascia board



Garage - side fascia board



Garage - metal door broken handle



Garage - showing metal up and over door fully open.



Garage - internal concrete floor



Garage - internal ceiling



Garage - internal ceiling