

Housing and Property Chamber
First-tier Tribunal for Scotland



Notice of Decision to Revoke
A Repairing Standard Enforcement Order
of the Private Rented Housing Committee

Ref: PRHP/AB11/37/13

Re : Flat 3, 70 Langstane Place, Aberdeen AB11 6EN ("the Property")

Title No: ABN73769

The Parties:-

Allan Hardy, Flat 3, 70 Langstane Place, Aberdeen AB11 6EN ("the Former Tenant")

Rachel Suzannah Gretton, Flat 3, 70 Langstane Place, Aberdeen AB11 6EN ("the Landlord") care of her agents James and George Collie, Solicitors, 30 Bon Accord Street, Aberdeen AB11 6EL

NOTICE TO the Landlord

The Housing and Property Chamber of the First-tier Tribunal for Scotland ("the First-tier Tribunal") having determined on 14 February 2017 that the any work required by the **Repairing Standard Enforcement Order** relative to the Property dated 15 July 2013 as varied by Notices of Variation dated 20 March 2014, 30 January 2015, 16 September 2015, 27 April 2016, and 29 July 2016 and remaining uncompleted is no longer necessary, the said **Repairing Standard Enforcement Order together with the said Notices of Variation are hereby revoked** with effect from the date of service of this Notice.

A landlord or a tenant aggrieved by this decision of the First-tier Tribunal may within 30 days of being notified of this decision apply to the Tribunal for permission to appeal to the Upper Tribunal

Where such an appeal is made, the effect of the revocation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or

finally determined by confirming the decision, the revocation will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents typewritten on this and the preceding page are executed by David Bartos, Advocate, Parliament House, Parliament Square, Edinburgh EH1 1RF, chairperson of the Tribunal at Edinburgh on 14 February 2017 before this witness:-

D Bartos

witness

chairperson

Emma Potter name in full

Parliament House Address

Edinburgh

EH1 1RF

Advocates Clerk. Occupation

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 25 (1) of the Housing (Scotland) Act 2006

(hereinafter referred to as “the Tribunal”)

and Statement of Reasons

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Title No: ABN73769

The Parties:-

Allan Hardy, Flat 3, 70 Langstane Place, Aberdeen AB11 6EN (“the Former Tenant”)

Rachel Suzannah Gretton, Flat 3, 70 Langstane Place, Aberdeen AB11 6EN (“the Landlord”) care of her agents James and George Collie, Solicitors, 30 Bon Accord Street, Aberdeen AB11 6EL

The Tribunal comprised:-

Mr David Bartos	- Chairperson
Mr Colin Hepburn	- Surveyor member
Mr Michael Scott	- Ordinary member

Decision

The Tribunal revokes the Repairing Standard Enforcement Order relating to the Property dated 15 July 2013 as varied by Notices of Variation dated 20 March 2014, 30 January 2015, 16 September 2015, 27 April 2016, and 29 July 2016.

Background:-

1. On 23 November 2016 the surveyor member carried out a re-inspection of the works required by the Repairing Standard Enforcement Order (“RSEO”).

Decision

7. The decision of the Tribunal as set out above was unanimous.

Rights of Appeal


5. A landlord or tenant aggrieved by this decision of the Tribunal may seek permission from it to appeal on a point of law against this decision to the Upper Tribunal. Permission must be sought within 30 days beginning with the date when this decision was sent to the party seeking permission.
6. Unless the lease or tenancy between the parties has been brought to an end, the appropriate respondent in such appeal proceedings is the other party to the proceedings and not the Tribunal which made the decision.

Effects of Section 63 of the 2006 Act

7. Where such an appeal is made, the effect of this decision and of any Order or Certificate made in consequence of it is suspended until the appeal is abandoned or finally determined.
8. Where the appeal is abandoned or finally determined by confirming a decision, the decision and any Order or Certificate made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed Date: 14 February
2017

David Bartos, Chairperson

Signature of Witness:  E Potter Date: 14/2/17

Name of witness: Emma Potter

Address: Parliament House, Edinburgh, EH1 1RF

Housing and Property Chamber

First-tier Tribunal for Scotland



Re-inspection report

Date of inspection: 23rd November 2016

Reference Number: PRHP/AB11/37/13

Property: Flat 3, 70 Langstane Place, Aberdeen AB11 6EN

Surveyor: Colin F Hepburn

In attendance: Present at the time of re-inspection was the landlord Ms Rachel Gretton and her partner.

Repairing Standard Enforcement Order (RSEO)

Whereas in terms of their decision dated 15 July 2013, the Private Rented Housing Committee determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular that the Landlord has failed to ensure that the house meets the repairing standard in that:

- a. The bedroom window area of the Property is not watertight;**
- b. The kitchen window area of the Property is not watertight;**
- c. The living room bay window area of the Property is not watertight;**

Works required by the RSEO (as varied):

- a. To instruct a person acting as an independent consultant with demonstrable experience in the identification of construction or maintenance defects in tenement properties similar to that of which the property forms part, to investigate the property and the commonly owned parts of its tenement, including (but not limited to) the roof, including roof slater work, flashings, skew pointings, all chimney heads, including their pointing, the landlords chimney pot, all gutters, all rhones (downpipes), all main or gable walls including their pointing, all drains and pipes, to identify the source or sources of water ingress into the property at or above the said windows in the said three rooms and to report thereon;**
- b. To obtain from such person recommendations for all works necessary to make the said three windows of the property wind and watertight, and to carry out all such recommended works**

being those numbered 1 to 6 and 8 on page 3 of the letter from Squire Associates to Hayley Mitchell of James & George Collie dated 29 August 2014, in so far as they fall to be carried out to the property and the commonly owned parts of the tenement of which it forms part of;

- c. To carry out such works as are necessary to reinstate any part of the property or common parts of the said tenement and making good.

Works in the RSEO undertaken:

Reference is made to the previous re-inspection report of 6th November 2013 together with the subsequent Notices of Variation of the repairing standard enforcement order. Reference is also made to the recommended works numbered 1 to 6 and 8 in the Squire Associates letter. Various contractors reports have been obtained relative to the repairs to the mutual fabric of the tenement, and significant delays have been encountered in obtaining the consent of the other mutual owners to effect the repairs to the mutual fabric.

The works numbered 1 to 6 and 8 in the Squire Associates letter have now been undertaken and at the time of re-inspection evidence of the repairs to the exterior fabric were noted.

In particular the extensive dry rot to the common stairwell had been repaired although minor decoration to plasterboard remained to be completed. Damp areas around the kitchen and living room windows were tested with a damp meter and were found to be within acceptable limits. Some residual staining however to decorative finishes was noted.

Outstanding works:

The works required in terms of the RSEO as varied, have been undertaken and there appear to be no works outstanding in terms of the RSEO dated 15 July 2013 as subsequently varied.

Photographs were taken on the day of inspection and are attached.

Colin F Hepburn MRICS

9 February 2017



