

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 Section 24 (1)

Chamber Ref:PRHP/RP/16/0337

TITLE NUMBER AYR94855

**4 Hamilton Crescent
Stevenston
KA20 4JB
("The Property")**

The Parties: -

**Ms Danielle Frew
4 Hamilton Crescent
Stevenston
("the Tenant")**

**Ms Helen Bruce
4 John Brogan Place
Stevenston
KA20 3ED
("the Landlord")**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having carried out a Re-Inspection on 29th June 2017, and all work identified in the Repairing Standard Enforcement Order dated 28th March 2017 having been carried out satisfactorily, finds that the Landlord has now complied with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 in relation to the house concerned.

Background

1. By application dated 31st October 2016 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. By Decision dated 28th March 2017 the Tribunal found that the Landlord had failed to comply with the duty imposed by s14(1)(b) of the 2006 Act. A Repairing Standard Enforcement Order ("RSEO") was issued dated 28th March 2017.

Reasons for Decision

On 29th June 2017, the Surveyor Member, Mr Taylor re-inspected the property, all as detailed in Re-inspection Report attached hereto dated 30th June 2017. All works required by the RSEO had been carried out and no work was outstanding.

Accordingly, the Tribunal is satisfied that a Certificate of Completion should be issued.

Right of Appeal

- 3. 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.**

Effect of section 63

- 4. 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.**

L Dowdalls

Signed

Date

10th Aug 2017

Chairperson



Re-Inspection Report



Property – 4 Hamilton Crescent, Stevenston, KA20 4JB

Reference- PRHP/RP/16/0337

Surveyor – Andrew Taylor, MRICS

Previous Inspections – Full Tribunal – 24th March 2016

Re-inspection (4) – 2.00pm, 29th June 2017

Weather – Heavy rain, overcast

In Attendance – Ms Danielle Craig, Tenant

Purpose of Re-inspection - To establish if the work required under the Repairs Standard Enforcement Order had been completed.

RSEO – In terms of the RSEO issued on 27th March 2017 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: -

- (a) Replace damaged UPVC front door to the property, and to ensure that the door is wind and watertight, to include any necessary replacement of frames, facings, seals and weather bars.

Kilmanock

10th August 2017

This is re-inspection
Repair referred to
in order of even
date

L Dowdalls

Chairperson

- (b) Engage a suitably qualified and Gas safe registered heating engineer to carry out an inspection and report on the gas fired heating and hot water supply installation including boiler, all radiators, valves, programmers and thermostats. The report should particularly focus on pressure losses within the system. Following the recommendations of that report, to ensure that the entire system is safe and in proper working order. On completion of the works provide a valid CP12 Gas Safety Certificate.
- (c) Carry out all making good and decoration works associated with the above repairs.

Works In RSEO Carried Out

- (a) A new UPVC front door has been provided which is secure, wind and watertight.
- (b) A qualified engineer has examined the central heating system. Works have been carried out so that pressure drops have been eliminated and the system operates efficiently and correctly. A valid CP12 Gas Safety Certificate has been provided.
- (c) Making good and decoration works associated with the above repairs have been completed.

Works In RSEO Outstanding

NIL

Photographs



Damaged and insecure front door - March 2017



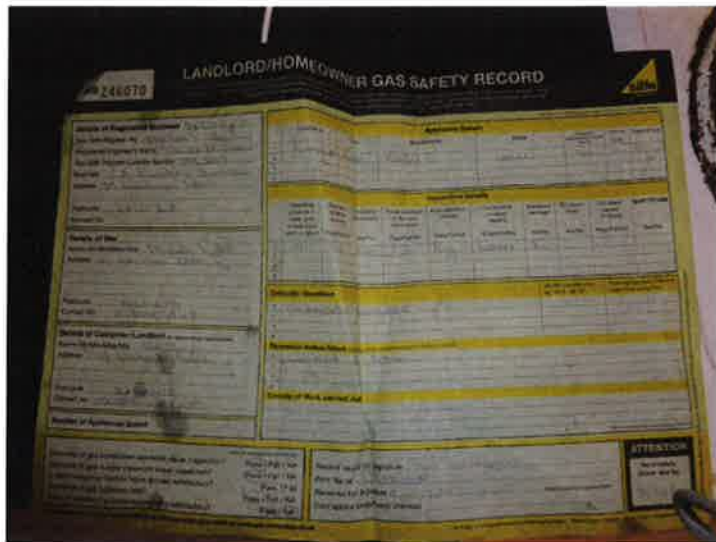
Replacement front door - June 2017



Replacement front door - June 2017



Gas Boiler - June 2017



CP12 Gas Safety Certificate - June 2017

Comments

This Report will be distributed to the tenant and landlord for comments and will be referred to the Tribunal of the Housing and Property Chamber, First-tier Tribunal For Scotland for their consideration and further action.

Andrew Taylor MRICS

Surveyor Member, Housing and Property Chamber, First-tier Tribunal For Scotland

30th June 2017