



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re Smithy House Cottage, Main Street, Inverkip, PA16 0A5 being part of the subjects described in the Disposition by Norman Buttery Scoular and Pearl Donald Scoular in favour of James Harvie Carswell and Janet Watson Carswell and others recorded in the Division of the General Register of Sasines for the County of Renfrew on 1st February 1979 ('the Property')

The Parties:-

Angela McIntyre residing at Smithy House Cottage, Main Street, Inverkip, PA16 0AZ ('The Tenant')

James Carswell residing at 2, Commoncraig Place, Inverkip, PA16 0BE ('The Landlord')

NOTICE to the said JAMES CARSWELL ("the Landlord")

The Private Rented Housing Committee having determined on 15th March 2012 that part of the work required by the **Repairing Standard Enforcement Order** relative to the Property had been completed satisfactorily and part were still outstanding determined:- (1) The **Repairing Standard Enforcement Order** should be varied such that the completed works are deleted from Order and (2) The **Repairing Standard Enforcement Order** should be varied in respect of the outstanding works.

Therefore the said **Repairing Standard Enforcement Order** is hereby **VARIED** with effect from the date of service of this Notice such that the following items are deleted from the Order:-

- (1) Eradicate the dampness/ water ingress in the cupboard of the back bedroom.
- (2) Repair and renew, where necessary (a) the gutter on the rear external wall of the kitchen extension (b) the connection between the kitchen waste pipe and the grilling below and (c) the connection between the bathroom waste pipe on the rear external wall of the Property and the over sized collar below to render them in proper working order.
- (3) Effect repairs to render the plumbing to the sink in the upstairs bathroom in proper working order.

Further the said **Repairing Standard Enforcement Order** is hereby **VARIED** with effect from the date of service of this Notice in respect of the following outstanding works:-

- (1) Eradicate the dampness/ water ingress in the living room wall, the flooring underneath the washing machine/sink and dishwasher and the kitchen wall and carry out necessary redecoration.
- (2) Repair and renew the following electrical items and render the said items in proper working order such that they comply with the current electrical standards:-
 - 2.1 Repair and relocate the broken main light switch in the downstairs bathroom such that it is located out with the bathroom.
 - 2.2 Remove the double socket within the downstairs bathroom.
 - 2.3 The light switches in the Property.
 - 2.4 The broken double socket and light switch in the back bedroom.
 - 2.5 The ceiling light fitment in the front bedroom.

2.6 The wiring in the Property.

- (3) Effect repairs to render the WC in the upstairs bathroom in proper working order.
- (4) Repair or replace the boiler to render it in proper working order.

The period allowed for the completion of the said outstanding works is extended to 25th May 2012.

Subsection 25(3) of the Housing (Scotland) Act 2006 does apply in this case.

A landlord or a tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Where such an appeal is made, the effect of the variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed..... **J Taylor**
Chairperson

..... Date 19th March 2012

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..witness: ELIZABETH GIFFEN SHEDDEN, 65, High Street, Irvine



Statement relative to the Notice of the decision to Vary

The Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re Smithy House Cottage, Main Street, Inverkip, PA16 OA5 ('the Property')

The Parties:-

Angela McIntyre residing at Smithy House Cottage, Main Street, Inverkip, PA16 0AZ ('The Tenant')

James Carswell residing at 2, Commoncraig Place, Inverkip, PA16 0BE ('The Landlord')

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Repairing Standard Enforcement Order relative to the Property should be varied in terms of Section 25 of the Housing (Scotland) Act 2006 agreed that the RSEO should be varied.

1. The RSEO relative to the Property required the Landlord:

'To carry out such work as is necessary for the purposes of ensuring that the Property 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 it required the Landlord to:-

- (1) *Eradicate the dampness/ water ingress in the living room wall, the cupboard of the back bedroom, the flooring underneath the washing machine/sink and dishwasher and the kitchen wall and carry out necessary redecoration.*
- (2) *Repair and renew, where necessary (a) the gutter on the rear external wall of the kitchen extension (b) the connection between the kitchen waste pipe and the grilling below and (c) the connection between the bathroom waste pipe on the rear external wall of the Property and the over sized collar below to render them in proper working order.*
- (3) *Repair and renew the following electrical items and render the said items in proper working order such that they comply with the current electrical standards:-*
 - 3.1 *Repair and relocate the broken main light switch in the downstairs bathroom such that it is located out with the bathroom.*
 - 3.2 *Remove the double socket within the downstairs bathroom.*
 - 3.3 *The light switches in the Property.*
 - 3.4 *The broken double socket and light switch in the back bedroom.*
 - 3.5 *The ceiling light fitment in the front bedroom.*
 - 3.6 *The wiring in the Property.*
- (4) *Effect repairs to render the WC and plumbing to the sink in the upstairs bathroom in proper working order.*

(5) *Repair or replace the boiler to render it in proper working order.*

The RSEO specified that these works must be carried out and completed by 29th FEBRUARY 2012.

2. The Committee attended at the Property on 15th March 2012 to determine if the works specified in the RSEO had been completed. The Tenant, her representative Thomas Henderson and the Landlord were present. The Committee found as follows:-

2.1 Eradicate the dampness/ water ingress in:-

The Landlord showed the Committee that three chimney pots had been taken away and the chimney had been sealed. He explained that he considered the defective chimney pots to be the source of some of the dampness in the Property. The Surveyor member of the Committee, Mr Links, tested the various areas of damp identified in the RSEO with a damp meter and advised as follows:

2.1.1 The living room wall.

The meter readings were in the amber and low red range, which showed an improvement from the reading taken at the original inspection.

2.1.2 The cupboard of the back bedroom.

The meter readings were in the green range, which indicated that the dampness in the cupboard had been eradicated.

2.1.3 The flooring underneath the washing machine/sink and dishwasher.

The meter readings were off the scale indicating that the dampness had not been eradicated, although the washing machine had been disconnected and removed.

2.1.4 The kitchen wall.

The meter readings were in the red range, which indicated that the dampness had not been eradicated.

2.1.5 Carry out necessary redecoration.

No redecoration had been carried out.

2.2 Repair and renew, where necessary the following items to render them in proper working order.

2.2.1 The gutter on the rear external wall of the kitchen extension.

The gutter had been cleared and a new 65 degree off set joint had been installed.

2.2.2 The connection between the kitchen waste pipe and the grilling below

A new drain pipe and fitting had been installed below the grilling and a new ground level cover had been fitted.

2.2.3 The connection between the bathroom waste pipe on the rear external wall of the Property and the over sized collar below.

The connection had been sealed with expanding foam.

2.3 Repair and renew the following electrical items and render the said items in proper working order such that they comply with the current electrical standards:-

2.3.1 Repair and relocate the broken main light switch in the downstairs bathroom such that it is located out with the bathroom.

2.3.2 Remove the double socket within the downstairs bathroom.

2.3.3 The light switches in the Property.

2.3.4 The broken double socket and light switch in the back bedroom.

2.3.5 The ceiling light fitment in the front bedroom.

2.3.6 The wiring in the Property.

The electrical repairs had not been carried out.

2.4 Effect repairs to render the WC and plumbing to the sink in the upstairs bathroom in proper working order.

The plumbing to the sink had been repaired. The Landlord advised that a repair had been carried out to the WC. However when the WC was flushed at the inspection a leak developed.

2.5 Repair or replace the boiler to render it in proper working order.

A new Vokera boiler had been installed and was operating at the time of the inspection.

3. Following the inspection of the Property the Private Rented Housing Committee held a hearing at The Gamble Halls, Gourrock. The Tenant, her representative Thomas Henderson and the Landlord were also present at the hearing.

In relation to the items specified in the RSEO the Landlord and Thomas Henderson, as the Tenant's representative, advised as follows:

3.1 Eradicate the dampness/ water ingress in:-

3.1.1 The living room wall.

Thomas Henderson confirmed that the chimney had been taken down. The Landlord explained that the drying out process is ongoing.

3.1.2 The cupboard of the back bedroom.

Thomas Henderson acknowledged that the dampness had been eradicated but was concerned that the cupboard wall had not been sealed on the inside. He also explained that the cupboard is very draughty.

The Landlord confirmed that the dampness had been eradicated.

3.1.3 The flooring underneath the washing machine/sink and dishwasher.

Thomas Henderson advised that the fibre board flooring is still wet and the leak is ongoing as the stop cock under the sink is leaking.

The Landlord advised that when the washing machine was removed there was standing water on the floor where the washing machine had been sited. Also he retrieved debris from the filter of the washing machine which he showed to the Committee. He suggested that this could have caused the water leak.

3.1.4 The kitchen wall.

Thomas Henderson advised that the dampness has not been eradicated. He stated that the dampness was worse than at the time of the original inspection.

The Landlord advised that the valley gutter had been cleared and it would take time for the dampness to dry out.

3.2 Carry out necessary redecoration.

Thomas Henderson advised that no redecoration had been done. The Landlord explained that he would redecorate once the damp areas had fully dried out.

3.3 Repair and renew, where necessary the following items to render them in proper working order.

3.3.1 The gutter on the rear external wall of the kitchen extension.

The parties acknowledged that the repair had been completed.

3.3.2 The connection between the kitchen waste pipe and the grilling below.

The parties acknowledged that the repair had been completed.

3.3.3 The connection between the bathroom waste pipe on the rear external wall of the Property and the over sized collar below.

Thomas Henderson acknowledged that the connection had been filled with expanding foam however he questioned if this was the correct method of repair.

The Landlord advised that the connection had been repaired with closed cell foam which is both water and air tight.

3.4 Repair and renew the following electrical items and render the said items in proper working order such that they comply with the current electrical standards:-

- 3.4.1 Repair and relocate the broken main light switch in the downstairs bathroom such that it is located out with the bathroom.
- 3.4.2 Remove the double socket within the downstairs bathroom.
- 3.4.3 The light switches in the Property.
- 3.4.4 The broken double socket and light switch in the back bedroom.
- 3.4.5 The ceiling light fitment in the front bedroom.
- 3.4.6 The wiring in the Property.

Both parties acknowledged that the electrical repairs had not been carried out. The Landlord showed the Committee a letter from a local electrician which advised that the electrics in the Property are not unsafe. He explained that he intends to re-wire the Property but he requires full access to the Property and the Tenant has not yet facilitated this. He explained that this matter is ongoing between the parties Solicitors. Thomas Henderson questioned why items 1.4.1 and 1.4.2 had not been carried out as full access was not required for these repairs. The Landlord indicated that these matters would be attended to as part of the rewiring of the Property. Thomas Henderson advised that the Tenant's Solicitor had a full report detailing the condition of the wiring and the report was being faxed to the PRHP Offices. The Clerk to the Committee contacted the PRHP Offices and was advised that no such report had been received.

3.5 Effect repairs to render the WC and plumbing to the sink in the upstairs bathroom in proper working order

Thomas Henderson confirmed that the WC repair was still outstanding but the sink had been repaired.

The Landlord explained that the WC did not leak at the time the repair was carried out however he accepted that it was leaking at the re-inspection.

3.6 Repair or replace the boiler to render it in proper working order.

Thomas Henderson confirmed that the new boiler had been installed on 1st February 2012. However he advised that the Tenant had experienced a reduction in water pressure and it is necessary for the boiler to be regularly topped up with water.

The Landlord explained that he had not been advised that the boiler was not working correctly. He confirmed that he would contact the installer and instruct the drop in the water pressure to be repaired.

Summary of the issues

4. The issues to be determined are whether the terms of the RSEO have been complied with.

4.1 Has the dampness/ water ingress in the living room wall, the cupboard of the back bedroom, the flooring underneath the washing machine/sink and dishwasher and the kitchen wall been eradicated and has the necessary redecoration been carried out?

The Committee confirmed that the dampness in the cupboard of the back bedroom had been eradicated and the other areas of dampness had not yet been eradicated as the drying out process was ongoing. The Committee also acknowledged that no redecoration had been carried out.

4.2 Have the necessary repairs been carried out to (a) the gutter on the rear external wall of the kitchen extension (b) the connection between the kitchen waste pipe and the grilling below and (c) the connection between the bathroom

waste pipe on the rear external wall of the Property and the over sized collar below to render them in proper working order.

The Committee confirmed that these repairs had been satisfactorily completed.

4.3 Have the following electrical items been repaired to render the said items in proper working order such that they comply with the current electrical standards:-

4.3.1 Repair and relocate the broken main light switch in the downstairs bathroom such that it is located out with the bathroom.

4.3.2 Remove the double socket within the downstairs bathroom.

4.3.3 The light switches in the Property.

4.3.4 The broken double socket and light switch in the back bedroom.

4.3.5 The ceiling light fitment in the front bedroom.

4.3.6 The wiring in the Property

The Committee acknowledged that these repairs had not been carried out.

4.4 Have repairs been carried out to render the WC and plumbing to the sink in the upstairs bathroom in proper working order.

The Committee confirmed that the sink had been repaired and the repair to the WC was outstanding.

4.5 Repair or replace the boiler to render it in proper working order.

The Committee acknowledge that a new boiler had been installed and it was providing heating and hot water. However it was not in proper working order as these was an ongoing difficulty with the water pressure dropping.

Decision

5. The Committee were satisfied that the Landlord was making satisfactory progress in carrying out the required works and accordingly they agreed:-

5.1 To vary the RSEO to allow the Landlord additional time to complete the outstanding works and

5.2 To VARY the RSEO, to remove the following works from the RSEO:-

5.2.1 Eradicate the dampness/ water ingress in the cupboard of the back bedroom.

5.2.2 Repair and renew, where necessary (a) the gutter on the rear external wall of the kitchen extension (b) the connection between the kitchen waste pipe and the grilling below and (c) the connection between the bathroom waste pipe on the rear external wall of the Property and the over sized collar below to render them in proper working order.

5.2.3 Effect repairs to render the plumbing to the sink in the upstairs bathroom in proper working order.

6. The Committee proceeded to vary the Repairing Standard Enforcement Order in terms of section 25 by extending the time for the outstanding works to be completed to 25th May 2012 and vary the Repairing Standard Enforcement Order to remove the said completed works from the RSEO.

7. The decision of the Committee was unanimous.

Right of Appeal

8. A landlord or tenant aggrieved by the decision of the Private Rented Housing committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of section 63

9. 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

Signed **J Taylor** Date 19th March 2012
Chairperson 