

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Variation of RSEO: Housing (Scotland) Act 2006 Section 25

Chamber Ref: RP/16/02508

Title no: GLA44908

The Property: 0/1, 174 Calder Street, Glasgow G42 7QR

The Parties:-

Ms Blaithin O'Connor, residing at the property, (applicant and tenant)

Mr Michael George Forsythe and Mrs Laura Elizabeth Forsythe, represented by their agents Grant Property Solutions Limited, 14 Coates Crescent, Edinburgh EH3 7AF (landlords)

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having determined that the **Repairing Standard Enforcement Order** ("RSEO") relative to the property dated 10 October 2016 should be varied, it **is hereby varied** with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended for a further 3 months from the date of service of this Notice of Variation.
2. The steps which the tribunal require the landlord to take in complying with the order are amended to the effect of requiring the landlords to lodge with the tribunal a copy of the report from Richardson & Starling referred to in the landlord's response within one month from the date of service of this Notice of Variation.

Section 25(3) of the Housing (Scotland) Act applies in this case.

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.

In witness whereof these presents type written on this and the preceding page are executed as follows:

D Preston

- Chairing Member

- Witness signature

JULIE MCANULTY

Witness name

Glasgow

Place of signing

1 ATLANTIC QUAY

Witness address

7 Feb 2012

Date of signing

GLASGOW

92 8JB

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Reasons for Variation of RSEO: Section 25 and paragraph 6 of Schedule 2 of the Housing (Scotland) Act 2006 ("the Act")

Chamber Ref: RP/16/0258

Title no: GLA44908

The Property: 0/1, 174 Calder Street, Glasgow G42 7QR

The Parties:-

Ms Blaithin O'Connor, residing at the property, (applicant and tenant)

Mr Michael George Forsythe and Mrs Laura Elizabeth Forsythe, represented by their agents Grant Property Solutions Limited, 14 Coates Crescent, Edinburgh EH3 7AF (landlords)

THE TRIBUNAL:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (formerly the Private Rented Housing Committee (PRHC):

David M Preston and Mike Links

Decision:

The tribunal determined to vary the Repairing Standard Enforcement Order (RSEO) by the Private Rented Housing Committee dated 10 October 2016 by extending the time within which the Works specified therein.

Reasons:

1. Following the issue of the expiry of the period specified in the RSEO for completion of the works, a re-inspection was carried out by the surveyor member on 6 January 2017. A copy of the Re-inspection Report was sent to the landlord for comments. The said Report is attached as Schedule 1 hereto.
2. In light of the response the tribunal considers that it requires sight of the Richardson & Starling report referred to.
3. The tribunal considers in terms of section 25(3) of the Act that the landlord has taken reasonable steps to carry out the work but has been unable to do so within

the time specified in the RSEO and accordingly determines that a further period of 3 months would be a realistic time within which the work can be completed.

4. The tribunal notes that in the event of the work being completed within that time, it is open to the landlord to apply for revocation of the RSEO and a further re-inspection can be carried out.

Section 25(3) of the Housing (Scotland) Act 2006 applies in this case.

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.

In witness whereof these presents type written on this and the preceding page are executed as follows:

D Preston

..... Chairman

7 February 2016

Housing and Property Chamber

First-tier Tribunal for Scotland



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

RE-INSPECTION REPORT

..... February 2017

This is Schedule 1 referred to in the foregoing Minute of Variation

PROPERTY: Flat 0/1, 174 Calder Street, Glasgow G42 7QR

D Preston

..... Chairman



HPC REF No: RP/16/0258

SURVEYOR: Mike Links

IN ATTENDANCE: Sharon Murray (Grant Property—Landlord's Agent)

WEATHER: Wet

ACCESS: I re-inspected the property on Friday 6th January 2017 at 10.15 am.

RSEO: The following works are required by the RSEO following on from the inspection and Hearing on 27th September 2016.

1. To commission a report from a suitably qualified timber and damp specialist in relation to evidence of dampness noted throughout the property and to carry out all necessary work to remedy the damp, as recommended in their report.
2. To carry out the recommendations in the report 10 August 2016 in respect of the damp in the party wall between Bedroom 1 and the close.
3. To either relocate the tenant in suitable habitable accommodation whilst any significant building works are in progress or release the tenant from the tenancy agreement.

4. The Committee HEREBY FURTHER ORDERS that the Works specified in this Order must be carried out within six weeks from the date of service of this Order.

Works in RSEO undertaken:

Item 1. Messrs Richardson & Starling have provided a report, dated 8th November 2016 and have since undertaken the specified works in the kitchen and bed recess of the lounge. These re-plastered areas remain to be decorated.



Kitchen



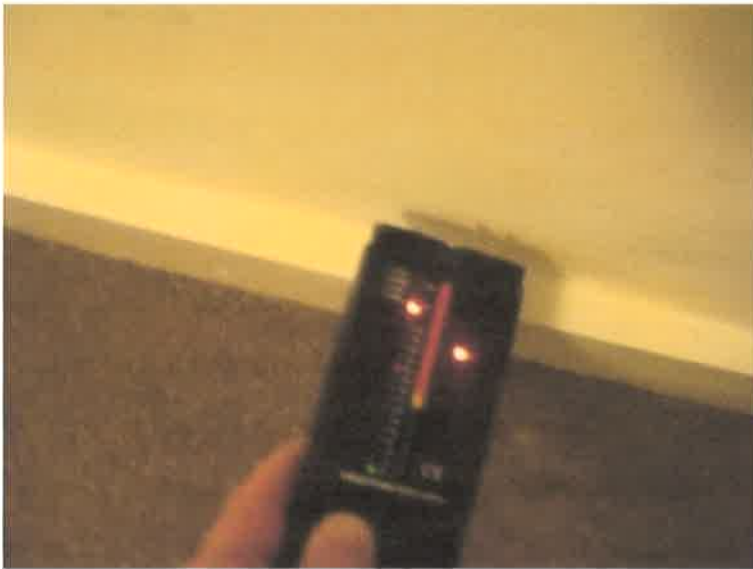
Lounge bed recess

The specialist's report indicates that within the left and right hand walls of the Lounge there are "slightly elevated moisture levels" and "these are consistent with a previously installed chemical dpc, and as no disruption or staining of the plaster was noted.....the area should be monitored"

I obtained high levels of moisture on my meter along the gable wall of the Lounge and advise this section of wall should be re-visited by the timber specialist to obtain their further opinion.



Lounge gable wall



Lounge gable wall

Item 3. The tenant has been released from the tenancy agreement and has moved out.

Works in RSEO outstanding:

Item 2. Despite what works may have been undertaken in relation to the recommendations in the report of 10th August 2016 to the ceiling and close wall of the front Bedroom (1) a very recent leak from the flat above has resulted in severe dampness in the ceiling and close wall of the Bedroom. This dampness is also evident in the close.



Bedroom 1.



Adjoining close wall and ceiling
FIRE DETECTION:

As recommended in the Committee's Statement of Decision, the flat has now been fitted with hard wired, inter-connecting smoke detectors in the hall and lounge

together with a heat detector in the Kitchen. These were tested and operating at today's date.



Kitchen - heat detector.



Hall – smoke detector.



Lounge – smoke detector

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

Ordinary Member

Housing and Property Chamber

Date: 6th January 2017