

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Completion of Work under Section 60 of the Housing (Scotland) Act 2006 as amended (“the Act”)

Title Number: AYR50572

**4 Balgray Avenue, Kilmarnock, KA1 4QS
 (“The House”)**

The Parties:-

**Miss Jennifer Phillips and Mr Robert Blackburn,
4 Balgray Avenue, Kilmarnock, KA1 4QS
represented initially by
Miss Alison Park, Social Worker and subsequently
by James Steven of East Ayrshire Advocacy Services
 (“the Tenant”)**

**Mr James Durrance and Mrs Deborah Durrance,
Corner Cottage,
Vicarage Lane,
Chigwell,
IG7 6LX
represented by their agent
Homesure Letting Agency,
7 West George Street,
Kilmarnock,
KA1 1DA
 (“the Landlord”)**

Members of the First-tier Tribunal for Scotland (Housing and Property Chamber: Martin J. McAllister, Solicitor, Legal Member and Carol Jones, Surveyor, Ordinary Member.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) hereby certifies that the work required by the **Repairing Standard Enforcement Order (“RSEO”)** relative to the Property served 1st June 2017 has been completed. Accordingly, the said RSEO relative to the property has been discharged.

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.

In terms of Section 63 of the Act, 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 typewritten on this and the preceding page are executed by Martin Joseph McAllister, legal member of the Tribunal at Kilwinning on 2nd November 2017 in the presence of Kayleigh Guthrie, 83 Main Street, Kilwinning

M McAllister

K Guthrie

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Determination: Statement relative to Certificate of Completion of work issued under Section 60 of the Housing (Scotland) Act 2006 (the 2006 Act).

Title Number: AYR50572

**4 Balgray Avenue, Kilmarnock, KA1 4QS
("The House")**

The Parties:-

**Miss Jennifer Phillips and Mr Robert Blackburn,
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represented initially by
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KA1 1DA
("the Landlord")**

Members of the First-tier Tribunal for Scotland (Housing and Property Chamber: Martin J. McAllister, Solicitor, Legal Member and Carol Jones, Surveyor, Ordinary Member.

Background:

1. On 23rd May 2017 the First-tier tribunal for Scotland Housing and Property Chamber) made a repairing standard enforcement order (RSEO) in respect of the House.
2. The RSEO was in the following terms:

(One) The Landlord is to repair or replace the patio doors to ensure that they operate properly on their runners and that all panes of glass are intact and also eradicate the rot in the external timber frame, including the sill of the patio doors. (Sections 13 (1) (a) and 13 (1) (b) of the 2006 Act)

(Two) The Landlord is to repair or replace the living room window and timber frame to eradicate all rot and ensure that it is wind and watertight and that all panes of glass are intact. (Sections 13 (1) (a) and 13 (1) (b) of the 2006 Act)

(Three) The Landlord is to repair or replace the gutter at the rear of the Property to ensure that it does not leak and operates effectively. (Section 13 (1) (b) of the 2006 Act).

(Four) The Landlord is to carry out works to secure the radiator in the righthand front bedroom and have the side panels re- fitted. (Section 13 (1) (c) of the 2006 Act).

(Five) The Landlord is to carry out such works as are required to properly secure all components of the W.C. (Section 13 (1) (c) of the 2006 Act)

(Six) The Landlord is to install a door between the kitchen and the living room. (Section 13 (1) (a) of the 2006 Act).

(Seven) The Landlord is to carry out such works as are necessary to ensure that all kitchen unit doors are operating effectively and that all handles are properly secured. (Section 13 (1) (d) of the 2006 Act).

(Eight) The Landlord is to reinstate the dislodged roof tiles to the rear pitch of the roof. (Section 13(1) (b) of the 2006 Act).

(Nine) The Landlord is to carry out such works as are necessary to properly cover or remove the redundant tumble dryer vent to ensure that there are no draughts. (Section 13 (1) (a) of the 2006 Act).

(Ten) The Landlord is to carry out works to reinstate items damaged as a result of the leak at the kitchen sink and the works carried out to trace and repair the leak. The works are to include the repair or replacement of the kitchen sink base unit and ensure that it is fitted with a door, fitting of kick plates and supplying and fitting an appropriate floor covering.

(Section 13 (1) (d) of the 2006 Act).

(Eleven) The landlord is to repair or replace the loose/broken floorboards in the living room.

(Section 13 (1) (a) of the 2006 Act).

(Twelve) The Landlord is to produce a current electrical installation condition report prepared by a suitably competent and registered electrician confirming that the electrical system within the Property is in a safe and efficient condition together with any electrical appliances provided by the Landlord. This report should be in conformity with Scottish Government Statutory Guidance.

(Section 13 (1) (c) of the 2006 Act)

In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, the tribunal determined that the repairing standard enforcement order requires to be completed within a period of six weeks from its service on the Landlords.

3. On 3 August 2017 the ordinary member of the tribunal inspected the House and a copy of her report with relevant photographs is attached.

4. The report discloses that, at the time of inspection, some of the works required by the RSEO had been completed and some had been partially completed.

5. A copy of the re-inspection report was sent to the Landlord who subsequently provided written information and supporting documents with regard to items in the RSEO which had been only partially completed at the time of inspection. These provided evidence of further works having been done.

6. The tenant's representative intimated that further works had been done and the tenant was now satisfied that the patio doors are satisfactory, the radiator is secure but sits at an angle, the vent at the tumble dryer has been covered but that the kick plates in the kitchen were not particularly secure.

7. The tribunal considered matters and determined that, based on the findings of the ordinary member from her inspection on 3 August 2017 and the contents of the written information and vouching provided by the Landlord and the information given by the Tenant's representative, the House meets the repairing standard.

8. The tribunal considered matters, determined that it was satisfied that the work had been completed and that it was appropriate to issue the Certificate of Completion in terms of Section 60 of the 2006 Act.

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.

M McAllister

Martin J. McAllister, Solicitor,
Legal Member of the Housing and
Property Chamber of the First-tier
Tribunal for Scotland.

2nd November 2017

*This is the
report referred
to in determination
of even date*

M McAlister

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



Re-inspection report



Date of inspection: Thursday 3 August 2017

Reference Number: FTS/HPC/RP/17/0041

Property: 4 Balgray Avenue, Kilmarnock KA1 4QS

Surveyor: Carol L Jones MA MRICS

Previous Inspection: The subject property was inspected by the First-tier tribunal for Scotland on 8 May 2017 and as a result a Repairing Standard Enforcement Order dated 23 May 2017 was served.

Access: The tenants Miss Jennifer Phillips and Mr Robert Blackburn provided access

Weather: Sunny and dry

In attendance: The tenants Miss Jennifer Phillips and Mr Robert Blackburn and Miss Phillip's representative Miss Alison Park attended the inspection.

Repairing Standard Enforcement Order (RSEO)

The following works are required by the RSEO dated 23 May 2017.

(One) The Landlord is to repair or replace the patio doors to ensure that they operate properly on their runners and that all panes of glass are intact and also eradicate the rot in the external timber frame, including the sill of the patio doors.

(Sections 13 (1) (a) and 13 (1) (b) of the 2006 Act)

(Two) The Landlord is to repair or replace the living room window and timber frame to eradicate all rot and ensure that it is wind and watertight and that all panes of glass are intact.

(Sections 13 (1) (a) and 13 (1) (b) of the 2006 Act)

(Three) The Landlord is to repair or replace the gutter at the rear of the Property to ensure that it does not leak and operates effectively.

(Section 13 (1) (b) of the 2006 Act).

(Four) The Landlord is to carry out works to secure the radiator in the righthand front bedroom and have the side panels re-fitted.

(Section 13 (1) (c) of the 2006 Act).

(Five) The Landlord is to carry out such works as are required to properly secure all components of the W.C.

(Section 13 (1) (c) of the 2006 Act)

(Six) The Landlord is to install a door between the kitchen and the living room.

(Section 13 (1) (a) of the 2006 Act).

(Seven) The Landlord is to carry out such works as are necessary to ensure that all kitchen unit doors are operating effectively and that all handles are properly secured.

(Section 13 (1) (d) of the 2006 Act).

(Eight) The Landlord is to reinstate the dislodged roof tiles to the rear pitch of the roof.

(Section 13(1) (b) of the 2006 Act).

(Nine) The Landlord is to carry out such works as are necessary to properly cover or remove the redundant tumble dryer vent to ensure that there are no draughts.

(Section 13 (1) (a) of the 2006 Act).

(Ten) The Landlord is to carry out works to reinstate items damaged as a result of the leak at the kitchen sink and the works carried out to trace and repair the leak. The works are to include the repair or replacement of the kitchen sink base unit and ensure that it is fitted with a door, fitting of kick plates and supplying and fitting an appropriate floor covering.

(Section 13 (1) (d) of the 2006 Act).

(Eleven) The landlord is to repair or replace the loose/broken floorboards in the living room.

(Section 13 (1) (a) of the 2006 Act).

(Twelve) The Landlord is to produce a current electrical installation condition report prepared by a suitably competent and registered electrician confirming that the electrical system within the Property is in a safe and efficient condition together with any electrical appliances provided by the Landlord. This report should be in conformity with Scottish Government Statutory Guidance.

(Section 13 (1) (c) of the 2006 Act)

In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, the tribunal determined that the repairing standard enforcement order requires to be completed within a period of six weeks from its service on the Landlords.

Works in the RSEO fully undertaken - see attached photographs:

(Two) The landlord has installed a brand new UPVC double glazed window to the front of the living room.

(Three) The landlord has repaired the leaking gutter at the rear of the property. A new union bracket has been fitted and the tenants confirmed it no longer leaks.

(Five) The landlord has installed a brand new toilet and cistern in the bathroom, all components are secure and in working order.

(Six) The landlord has fitted a new door between the living room and the kitchen.

(Seven) The landlord has carried out repairs to the kitchen unit doors, all handles are secure and all doors operate effectively.

(Eight) The landlord has reinstated all the dislodged tiles to the rear pitch of the roof.

(Eleven) The landlord has carried out works to repair the living room floorboards. The floor is level and all broken/loose boards are now repaired or replaced with no significant movement noted.

(Twelve) The landlord has provided an Electrical Installation Condition report dated 5 May 2017 by an NICEIC registered company, G. Johnston Electrical Services. This report assesses the installation as "Satisfactory". It also details work which has been carried out to upgrade and address all identified dangerous issues and install a new consumer unit.

Works in the RSEO partly undertaken - see attached photographs:

(One) The landlord has installed brand new UPVC double glazed patio doors to the rear of the living room/dining area including new sill and facings. The sliding door, while a little stiff to operate is in proper working order however it only opens to the opposite side from the existing step and there is a significant drop down to the rear patio. The other door is fixed so the tenant has had to put three small slabs below the sliding door on top of the patio to allow people using the door to step down. These slabs are not secure.

(Four) The landlord has re-fitted the side panels to the radiator in the front righthand bedroom and attached the radiator to the wall bracket but it sits at a significant angle due to the fact that the bracket has slipped down and this is not fully secure.

(Nine) The landlord has plastered over the internal hole at the former tumble dryer vent in the kitchen but has not carried out any works to properly cover the external hole which remains exposed and packed with old newspaper.

(Ten) The landlord has traced and repaired the leaking pipes in the kitchen, replaced the sink base unit and door and also fitted a new vinyl floor covering. Kick plates have also been fitted but they are not all secure and some move easily especially when the tenant washes the floor.

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

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

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

9 August 2017

Schedule of photographs taken during the re- inspection of 4 Balgray Avenue, Kilmarnock KA1 4QS by the ordinary member (surveyor) of the First-tier Tribunal for Scotland (Housing and Property Chamber) on the 3 August 2017.

Reference Number : FTS/HPC/RP/17/0041



New patio doors - door opens to opposite side from existing step



Patio doors - tenant has provided loose slabs for temporary step



Patio doors - showing new surround/sills and temporary step



New patio doors - internal view



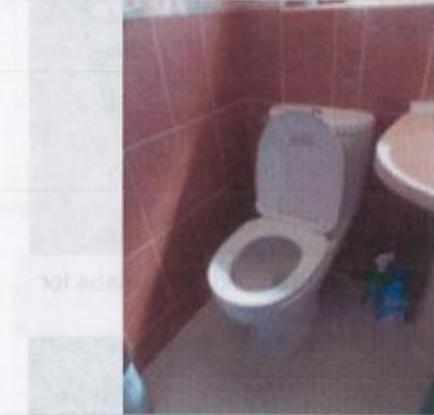
New living room window



Rear gutter - new union bracket at joint



Bedroom radiator to front bedroom - fitted at significant angle



Bedroom radiator to front bedroom - defective/misaligned bracket



Bathroom - complete new toilet

New door between living room and kitchen



Kitchen - all cabinet door handles secure

Roof - rear pitch - all missing tiles reinstated



Kitchen - internal hole plastered at former tumble dryer vent



External - redundant tumble dryer vent - missing cover/exposed hole packed with old newspaper



Kitchen - new sink base unit



Kitchen - new sink base unit



Kitchen - kick plates loose



Kitchen - kick plates loose



Kitchen - kick plates secure



Kitchen - new vinyl flooring