

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")

Chamber Reference: -prhp/ RP/16/0144

Re: Property at 3 Top Left, Arklay Street, Dundee DD3 7LH ("the property")

Land Register Number - ANG9400

Application received from Mrs Gail Fraser, 3 Top Left Arklay Street, Dundee DD3 7LH ("the Former Tenant")

Mr Iain Ritchie and Mrs Elizabeth Ritchie, 7 Muirfield Road, Cumbernauld G68 0EX represented by Mark Cannings of PLPO and local agent Barry Gray ("the Landlord")

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 on 26 August 2016 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 type written on this page are executed by Judith Lea legal member of the Tribunal, at Glasgow on the 11 October 2017 in the presence of the undernoted witness

J Burton

J Lea Legal member

Julie Burton

Witness
name in full

1 Atlantic Quay address

115 ROBERTSON STREET
GLASGOW
G2 8JB

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of facts and reasons for

Decision to grant Certificate of completion of work

Under section 60 of the Housing (Scotland) Act 2006

Chamber reference: -prhp/ RP/16/0144

Re: Property at 3 Top Left, Arklay Street, Dundee DD3 7LH ("the property")

Land Register Number - ANG9400

Application received from Mrs Gail Fraser, 3 Top Left Arklay Street, Dundee DD3 7LH ("the Former Tenant")

Mr Iain Ritchie and Mrs Elizabeth Ritchie, 7 Muirfield Road, Cumbernauld G68 0EX represented by Mark Cannings of PLPO and local agent Barry Gray ("the Landlord")

Statement of facts and reasons.

Background

1. The Private Rented Housing Panel issued a Repairing Standard Enforcement Order (RSEO) on 26 August 2016 in the under noted terms.

1. *Repair/replace the kitchen units and worktops to ensure they are in a reasonable state of repair and are stable and safe.*
2. *Repair/replace the floor coverings throughout the property to reduce the trip hazard.*
3. *Inspect and repair/replace seals and double glazing units where appropriate to ensure they are in a reasonable state of repair.*
4. *Clean the gutters, remove plant growth and ensure that the external rainwater goods are in a reasonable state of repair and in proper working order.*
5. *Repair/replace worktop surround and seal at the kitchen sink ensure hygienic use.*
6. *Provide an up to date Electrical Installation Condition Report from a NICEIC or ECA registered contractor to show that the electrics in the property are in proper working order and to include functional testing of the cooker and the heating and removal of any appliances not in working order.*

2. The Private Rented Housing Committee ordered that the works specified in the Order be carried out and completed within a period of 3 months from the date of service of the Order.

3. With effect from 1/12/2016 the Private Rented Housing Panel has been incorporated into the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal').

4. The Ordinary Member of the tribunal re inspected the property on 24/3/2017 and the tribunal varied the RSEO to allow the landlord an extension of time until the end of June 2017 to complete the works.

5. On 3/7/2017 the Ordinary Member of the tribunal re inspected the property and found as per the attached re inspection report.

6. The re inspection report was served on the landlord who indicated that the only work outstanding was in connection with the mutual parts and he had been having difficulty getting the other owners to agree to the costly work being carried out. The landlord pointed out that he had completed a lot of work at the property and that there was no evidence of water ingress and he was concerned with regard to being unable to re let the property.

7. The tribunal arranged another re inspection and hearing to allow the landlord the opportunity to ask for the RSEO to be varied. The tribunal comprising Judith Lea, Legal Member and Geraldine Wooley, Ordinary Member inspected the property on 4 October 2017. Barry Gray was present at the inspection on behalf on the landlord. It was clear from the inspection, as shown in the photographs attached to this decision, that the gutters have been cleaned and the plant growth removed from the property. It was not necessary for the tribunal to conduct an internal inspection given that these were the only matters outstanding. The tribunal did note however that the front external door to the internal close being the mutual access to the flats in the block was in a dangerous condition with broken glass in the glass lights of the door.

8. After the inspection the tribunal held a hearing at Caledonian House, Green market Dundee which was attended by Penny McGinley on behalf of PLPO. The tribunal confirmed at the hearing that it was now satisfied that all the works required by the RSEO had been carried out and that a Certificate of Completion would be issued. The tribunal however pointed out to the landlord's representative the dangerous condition of the external door which in its present state does not meet the repairing standard. As this defect was not part of the original complaint the tribunal can only recommend to the landlord that the matter is dealt with as soon as possible. The tribunal accept as submitted by the landlord's representative at the hearing, that the damage to the external door is not the fault of the landlord and has probably been caused by vandalism.

9. The tribunal was satisfied that all works required by the RSEO had been

satisfactorily carried out. Accordingly, the tribunal decided to grant a Certificate of completion

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.

J Lea

Legal Member

11/10/17

Report referred to in decision
dated 11/10/17

J Lea

Housing and Property Chamber First-tier Tribunal for Scotland



Re-inspection report

Property: 3 Top Left Arklay St Dundee DD3 7LH
Ref no: prhp/rp/16/0144
Surveyor : Geraldine Wooley MRICS
Access: 03/07/17 at 10.45am
Weather – fine and dry
Attendees: Barrie Gray – letting agent



General comments:

Work has been completed inside the property to an acceptable standard, but there is no sign that external works to guttering and rainwater goods are to be undertaken. As previously reported, the works required under item 5 of the RSEO are the joint responsibility of all owners in the block but no agreement has been reached and the landlord is consulting the local authority on how to take this forward. It was also noted at the time of reinspection that the glass to the front door of the common entrance is now in such a hazardous condition that it may breach the Repairing Standard, notwithstanding that it is not part of the application this reinspection covers.

RSEO: works required

1. *Repair/replace the kitchen units and worktops to ensure they are in a reasonable state of repair and are stable and safe.*
2. *Repair/replace the floor coverings throughout the property to reduce the trip hazard.*
3. *Inspect and repair/replace seals and double glazing units where appropriate to ensure they are in a reasonable state of repair.*
4. *Clean the gutters, remove plant growth and ensure that the external rainwater goods are in a reasonable state of repair and in proper working order.*
5. *Repair/replace worktop surround and seal at the kitchen sink ensure hygienic use.*
6. *Provide an up to date Electrical Installation Condition Report from a NICEIC or ECA registered contractor to show that the electrics in the property are in proper working order and to include functional testing of the cooker and the heating and removal of any appliances not in working order.*

Works in RSEO undertaken:

- New kitchen units have been installed, a new kitchen sink fitted and the work surfaces replaced see Appendix A (1)
- The floor in the entrance hall has been replaced, and threshold plates have been installed at the living, bedroom and bathroom doorways. Floor coverings are now in an acceptable condition see Appendix A (2).
- New double glazing units have been installed in all rooms see Appendix A (3)

- A new electrical consumer unit has been installed see Appendix A (4), and the fire detection system upgraded.
- Electric heating appliance in bedroom has been removed and replaced by a new heater see Appendix A (5). A new heater has also been installed in the living area.
- A satisfactory EICR has been issued (see appendix B)

Works in RSEO outstanding:

No works have been carried out to the gutters and rainwater goods. There is continued and increasing plant growth in the gutters, wall and roof (see Appendix A (6)) and evidence of substantial water damage in the stairwell.



Housing and Property Chamber
First-tier Tribunal for Scotland

Appendix A

3 Top Left

Arklay St

Dundee DD3 7LH

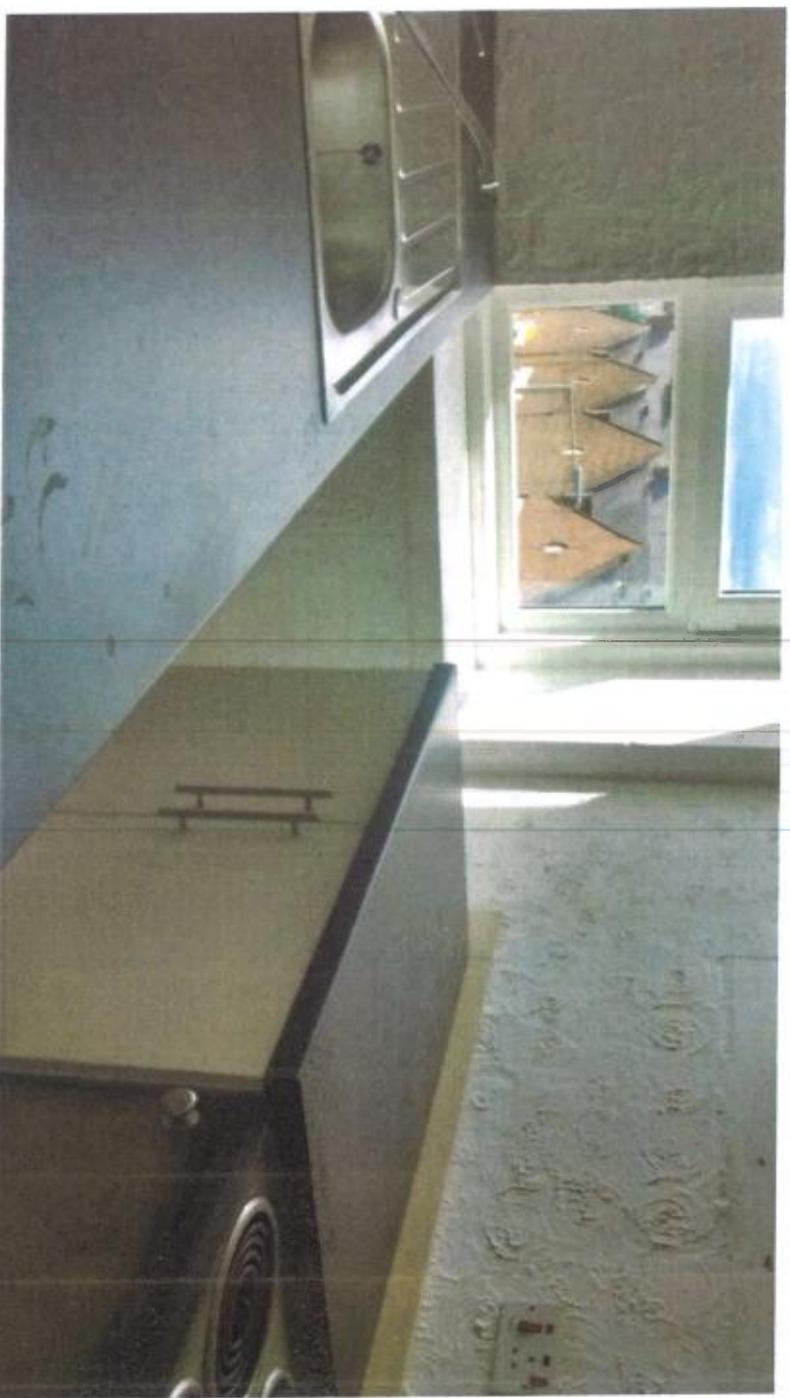
2nd re-inspection 3 July 2017





1a: 300mm gap between worktop and wall at 24/03/17

1) Kitchen refitted



1b: New kitchen units, sink and worktops fitted at 3/07/17

2) Trip hazards at threshold to living room, bathroom and bedroom

Photo 2a-c thresholds as at 24/03/17

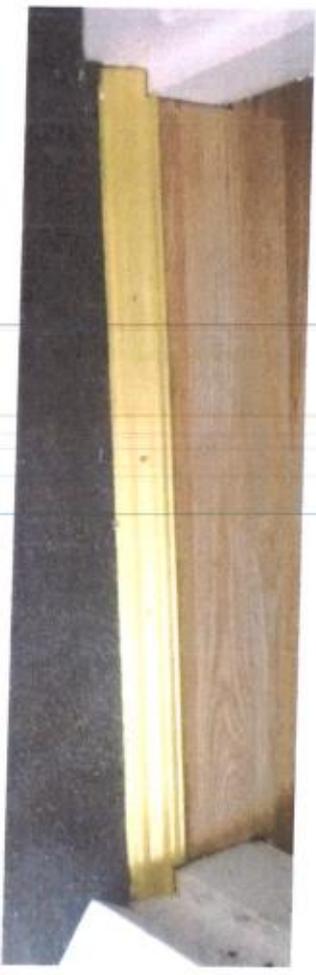


Photo 2e-g thresholds at reinspection – threshold plates installed

Photo 3a living room window as at 24/03/17



3) Windows replaced

3b Kitchen window as at 03/07/17



3c Sitting room window as at 03/07/17



3d Bedroom window as at 03/07/17





4) New electric consumer unit and upgraded fire detection system as at 24/03/017



5) Old electric heater removed and replaced as at 24/03/17

6) External rear elevation



6a: vegetation growing
in gutter 12/08/16

6b: increased growth
3/07/17



DOMESTIC ELECTRICAL INSTALLATION CONDITION REPORT

(FOR A SINGLE DWELLING)

DPM3

A. DETAILS OF THE CLIENT

Client: **PROPERTY 454**
 Address: **281 Cheryle Rd**
Flinders
 Postcode: **3115 RSD**

B. PURPOSE OF THE REPORT

Purpose for which the report is required: **TO DETERMINE THE CONDITION OF THE EXISTING ELECTRICAL INSTALLATION IN RELATION TO EXISTING WIRING REGULATIONS**

Details on which inspection and testing were carried out: **1.1/1.4**

C. DETAILS OF THE INSTALLATION

Occupier: **SHALE HASSEN**
 Address: **3 ARKRAY ST #16**
 Estimated age of the electrical installation: **20** years
 Evidence of alterations or additions: **N/A**
 If yes, estimated age: **N/A** years
 Date of previous inspection: **N/A**
 Electrical Installation Certificate No or previous Periodic Inspection or Condition Report No: **N/A**
 Records of installation available: **N/A**
 Records held by: **N/A**

D. EXTENT OF THE INSTALLATION AND LIMITATIONS ON THE INSPECTION AND TESTING

Extent of the electrical installation covered by this report: **THE FIXED 230V WIRING 10% OF ACCESSIBLE MEMBERS & INSPECTED**
 Agreed limitations including the reasons, if any, on the inspection and testing: **WET GEAR HAS BEEN IDENTIFIED AS A LIMITATION AS THIS IS IMPRACTICAL TO ASSESS**

Operational limitations including the reasons (see page No. 1): **AGREED WITH**

The inspection and testing have been carried out in accordance with BS 7671, as amended. Details concealed within trunks and conduits, or cables and conductors concealed under floors, in inaccessible roof spaces and generally within the fabric of the building or underground, have not been visually inspected.

E. SUMMARY OF THE CONDITION OF THE INSTALLATION

General condition of the installation (in terms of electrical safety): **THIS INSTALLATION IS IN POOR CONDITION & SHOULD CONTINUE TO SERVE FOR THE FORESEEABLE FUTURE**

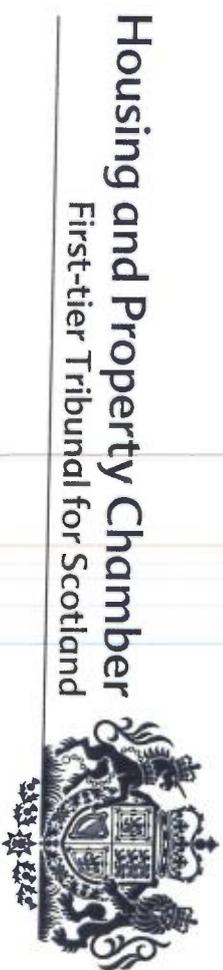
Summary of the condition of the installation (continued on additional pages):
 No. Yes. Specify page No(s):
 Overall assessment: **SATISFACTORY / UNSATISFACTORY (where appropriate)**
 As the statutory minimum condition, safety provisions have been identified.

This report is based on the model forms shown in Appendix 8 of BS 7671. © Copyright The Electrical Safety Council (July 2011)

Original (To the person ordering the work)

Appendix B
 EICR

Photographs referred to in Decision
dated 11/10/17 **J Lea**



Housing and Property Chamber
First-tier Tribunal for Scotland

3 Top Left
Arklay St
Dundee DD3 7LH

Re-inspection & Hearing 4 October 2017

External rear elevation: gutters and plant growth



As at 3/07/17: gutters blocked with plants, extensive growth from crevices in wall



As/10/17: gutters have been cleared and appear to be in working order. Plant growth has been removed from the wall.