

# Housing and Property Chamber First-tier Tribunal for Scotland

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**First Tier Tribunal for Scotland (Housing and Property Chamber)**

**Statement of Decision under Section 60 of the (Housing) Scotland Act 2006 ('2006 Act')**

**Chamber Ref: FTS/HPC/RP/17/0326**

**TITLE NUMBER: DMF-3443**

**110 Lockerbie Road, Dumfries, DG1 3BL ("The property")**

**The Parties:-**

**Ms Claire Helen Spencer and James David Spencer c/o Lettis Ltd, Kenmore Penpont, Thornhill, Dumfries ("The Landlord")**

**Mr Steven Leask, Lettis Ltd, Vollie House, Main Street Penpont, Thornhill, Dumfries, DG3 4BP ("Landlords Agent")**

**Ms Mahdiya Darroch, 110 Lockerbie Road, Dumfries, DG1 3BL ("The Tenant")**

**AND**

**Chamber Ref: FTS/HPC/RT/17/0431**

**The Parties:**

**Ms Claire Helen Spencer and James David Spencer c/o Lettis Ltd, Kenmore Penpont, Thornhill, Dumfries ("The Landlord")**

**Mr Steven Leask, Lettis Ltd, Vollie House, Main Street Penpont, Thornhill, Dumfries, DG3 4BP ("Landlords Agent")**

**Mr Robert Rome, Dumfries and Galloway Council, Strategic Housing Services, Council Office, Buccleuch Street, Dumfries, DG12AD ("Third Party Applicant")**

**Ms Mahdiya Darroch, 110 Lockerbie Road, Dumfries, DG1 3BL ("The Tenant")**

**Tribunal Members**

**Mr James Bauld (Legal Member)  
Robert Buchan (Ordinary Member)**

## **Decision**

The Tribunal having made such enquiries as it saw fit for the purposes of determining whether the landlord had complied with the repairing standard enforcement order ("herein after referred to as "the RSEO") in relation to the house concerned and taking account of the evidence obtained by the reinspection on 12 July 2018 and subsequent documents produced to the Tribunal considered that the landlord had satisfactorily completed the works detailed in the RSEO and the Tribunal decided to issue his certificate of completion of works in terms of 6 and 60 of the Act and to revoke the RSEO previously made.

## **Background**

1. Applications were made by both the tenant and third party applicant in August 2017 and November 2017 complaining that the Landlord was failing to comply with the repairing standards in respect of the property. On 20 February 2018, the property was inspected by Tribunal (then comprising Judith Lea, Legal Member and Robert Buchan) and a hearing was subsequently held. After that hearing the Tribunal determined that the property failed to meet the repairing standard and issued a RSEO.
2. The RSEO required the Landlord to carry out a variety of works including, repairs to the shower screen in the bathroom, repairs to the bathroom floor and floor covering, repairs to the windows and window frames in the house, repairs to the gutters above the front door, and the preparation of a satisfactory and up to date Electrical Installation Condition Report in respect of the property. The Tribunal ordered that those works should be completed within ten weeks from the date of service of the RSEO.
3. After the issue of the RSEO, the Landlord's agent's contacted the Tribunal to indicate that works were completed.
4. Having received such notification a reinspection of the property was carried out by the Ordinary Member of the Tribunal on 12 July 2018. A report of that reinspection was completed and sent to all parties for comments. On the date of the reinspection, the Ordinary Member took the view that all of the works required in terms of the RSEO had been completed but that no certification had been provided to confirm these concerns regarding the electrical installation.
5. On 7 September 2018, the tribunal received an email from the Landlord enclosing a copy of the Electrical Installation Condition Report which had been prepared in respect of the property by Howat Electrical Contractors Ltd, Whitedyke Farm, Dunscore, Dumfriesshire.
6. The Tribunal noted the terms of the Electrical Installation Condition Report.
7. The Tribunal having considered the terms of the reinspection report and the Electrical Installation Condition Report determined that they were satisfied that all works required in terms of the RSEO had been completed.
8. Accordingly, the Tribunal determined that they should issue a completion certificate in terms of Section 60 of the 2006 Act.
9. The decision of the Tribunal is unanimous.

## Right for Appeal

10. 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.
11. 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 if the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from day in which the appeal is abandoned or so determined.

**J Bauld**

Signed

Date

Legal Member

*J Bauld*  
.....  
*14 June 2019*  
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# Housing and Property Chamber First-tier Tribunal for Scotland

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**First Tier Tribunal for Scotland (Housing and Property Chamber)**

**Certificate of Completion of Work: Housing (Scotland) Act 2006 Section 60**

**Chamber Ref: FTS/HPC/RP/17/0326**

**TITLE NUMBER: DMF-3443**

**110 Lockerbie Road, Dumfries, DG1 3BL ("The property")**

**The Parties:-**

**Ms Claire Helen Spencer and James David Spencer c/o Lettis Ltd, Kenmore Penpont, Thornhill, Dumfries ("The Landlord")**

**Mr Steven Leask, Lettis Ltd, Vollie House, Main Street Penpont, Thornhill, Dumfries, DG3 4BP ("Landlords Agent")**

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**Ms Mahdiya Darroch, 110 Lockerbie Road, Dumfries, DG1 3BL ("The Tenant")**

**Tribunal Members**

**Mr James Bauld (Legal Member)  
Robert Buchan (Ordinary Member)**

The First-Tier Tribunal for Scotland Housing (Housing and Property Chamber) (“the Tribunal”) hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 19 March 2018 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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.

In witness whereof these presents type written on this page are signed by James Bauld, Solicitor, 7 West George Street, Glasgow, chairperson of the Tribunal at Glasgow on 14 June 2019 before this witness Megan Luke, Legal Executive.

J Bauld

Legal Member

M Luke

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Witness

# Housing and Property Chamber First-tier Tribunal for Scotland



## First-tier Tribunal for Scotland (Housing and Property Chamber) Housing (Scotland) Act 2006 Property Re-inspection Report



**Property address:** 110 Lockerbie Road, Dumfries, DG1 3BL

**Chamber Reference Number:** FTS/HPC/RP/17/0326

**Date of re-inspection:** 12th July 2018

**Surveyor:** R Buchan, FRICS

**Circumstances of inspection:** The weather was dry following a prolonged period of dry weather.

**In attendance:** The tenant Ms Mahdiya Darroch, and Mr Steven Leask, agent on behalf of the landlord.

### **Repairing Standard Enforcement Order (RSEO)**

An RSEO was served on the Landlord following an inspection and hearing of the Tribunal on the 20th February 2018.

The Landlord was required to carry out the following work under the terms of the RSEO:

- 1) Repair/ replace the shower screen in the bathroom to ensure that it is in a reasonable state of repair and in proper working order.
- 2) Repair/ replace the bathroom floor and floor covering to ensure that it is in a reasonable state of repair.
- 3) Repair/replace the windows and /or frames in the house to ensure they are in a reasonable state of repair and in proper working order.
- 4) Provide a satisfactory and up to date Electrical Condition Installation Report by a NICEIC qualified electrician in respect of the house. This report should in addition to the usual matters also specifically address:-
  - a) confirmation that the light fitting is connected to the extractor fan in the bathroom and that the extractor fan has an adjustable time delay
  - b) the accessibility of the consumer units and electricity meters
  - c) confirmation that the smoke and heat detectors are interlinked.
  - d) the suitability of the electric fittings being below the sink.
- 5) Repair/ replace the rear gutter above the front door and bathroom to ensure that it is in a reasonable state of repair and in proper working order.

### **Works carried out**

The Landlord provided an invoice detailing that the following work had been undertaken by Midas Property Developments:-

Overhaul and frame seal windows x 6  
Replace bathroom flooring  
Clear front and rear gutters  
Supply/fit new bathroom extractor  
Supply/fit new shower screen

An electrical Installation Condition Report dated 02/10/2017 was provided indicating that the installation was certified "Unsatisfactory". The landlord has advised that remedial work has been undertaken but no certification of this has been provided.

On inspection, it could be seen that the shower screen and floor covering has been replaced.

The consumer unit has been replaced although it is still relatively inaccessible.

There was no indication of misting in the double glazing.

Gutters appear to have been re-aligned.

### **Outstanding works**

As noted above, no certification has been provided to confirm that the various concerns relating to the electrical installation have been addressed.

Photographs were taken and are attached to this report.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

R Buchan, FRICS

17th July 2018

**Schedule of photographs attached to re-inspection report**  
110 Lockerbie Road, Dumfries, DG1 3BL Ref no.: FTS/HPC/RP/17/0326



New shower screen

**Schedule of photographs attached to re-inspection report**  
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**New bathroom floor covering**



**New consumer unit**

**Schedule of photographs attached to re-inspection report**  
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Double glazing