

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



**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/19/0407**

**Title Number: ELN10476**

**25 Vert Court, Haldane Avenue, Haddington EH41 3PX  
("The Property")**

**The Parties:-**

**Ms Anna Stawarz, 25 Vert Court, Haldane Avenue, Haddington EH41 3PX  
(represented by her agent Mr Adrian Cierpikowski, 1916 Harewood Road,  
Edinburgh EH16 46F )  
("the Tenant")**

**Mr Michael David Carter and Mrs Rebecca Ewart Carter, 3 Barntongate Drive,  
Edinburgh EH4 8BE  
(represented by their agent Rent Locally, Unit 1, 109 Swanston Road,  
Edinburgh EH10 7DS  
("the Landlords")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property dated 9 October 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 executed by Graham Harding, solicitor, 20 York Street, Glasgow, Chairperson of the tribunal at Perth on 13 March 2020 before this witness:-

J O'Neill

G Harding

\_\_ witness

\_\_ Chairperson

JENNIFER O'NEILL name in full

26 RIVERSIDE MANOR Address

RIVERSIDE DRIVE ABERDEEN

# Housing and Property Chamber First-tier Tribunal for Scotland



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**Decision: Housing (Scotland) Act 2006 ("the 2006 Act"), Section 60**

**Chamber Ref: FTS/HPC/RP/19/0407**

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("The Property")**

**The Parties:-**

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Edinburgh EH4 8BE  
(represented by their agent Rent Locally, Unit 1, 109 Swanston Road,  
Edinburgh EH10 7DS  
("the Landlords")**

**Tribunal Members  
Graham Harding (Legal Member)  
Nick Allan (Ordinary Member)**

## **DECISION**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having taken account of the findings of the re-inspections on 11 September 2019 and 24 February 2020, the documentation received from the Landlords on 13 February 2020, the evidence obtained at the hearing at Dunbar on 24 February 2020 together with the reasons for the Decision of the Tribunal and the Repairing Standard Enforcement Order served on the Landlord and dated 7 May 2019 determined that the Landlord has complied with the said Repairing Standard Enforcement Order.
2. The Tribunal issued a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006.
3. The Decision of the Tribunal was unanimous.

## Findings in Fact

4. The Landlords have instructed suitable building maintenance contractors to inspect and report on the roof condition and rainwater drainage arrangements above the property and have provided the Tribunal with a copy of said report and have carried out the remedial works recommended by the said contractors to ensure that said drains, gutters and external or internal pipes are in a reasonable state of repair and in proper working order.
5. The Landlords have instructed a suitable building contractor to rake out and repoint the external stonework at first floor level around the west, south and east elevations of the property and make good the stone mullion at the lounge window.
6. Following the representations made by the Tenant at the hearing on 13 December 2019 the Landlords advised the Tribunal that their Factors, James Gibb had arranged to have a report prepared by Wise Property Care.
7. The report by Wise Property Care recommended the installation of 24-hour trickle humidistat activated intelligent fans in the bathroom and kitchen.
8. At the hearing on 24 February 2020 the Landlords confirmed that arrangements were in place to have the recommended fans installed.
9. There was evidence of mould growth in the living room at the time of the inspection on 24 February 2020.
10. There was condensation on the window in the living room due to lack of ventilation.
11. There was no evidence of penetrating damp.
12. The house meets the repairing standard as specified in Section 13 of the 2006 Act.

## Reasons for Decision

13. Reference is made to the full terms of (i) the Decision of the Tribunal and (ii) the Repairing Standard Enforcement Order ("RSEO") both served on the Landlord and dated 7 May 2019 and the subsequent variation of the RSEO dated 28 June 2019.
14. Following the re-inspections of the property on 11 September 2019 by the Ordinary Member of the Tribunal and the subsequent re-inspection and hearing by the Tribunal on 24 February 2020 it appeared that all of the works specified in the RSEO have been completed. Whilst the Tribunal

acknowledged that there was an issue with mould in the living room of the property it was the view of the Tribunal that this was primarily caused by a lack of ventilation as indicated in the report by Wise Property Care. The Tribunal was also satisfied that the Landlords were taking all reasonable steps they could to address the situation and that no purpose would be served by varying the RSEO. There was an onus on the Tenant to properly air and ventilate the property to reduce the amount of condensation. The Tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act on that basis.

**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.**

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.

G Harding

Grahām Harding  
Legal Member and Chairperson

Date 13 March 2020