

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 (5) (b) of the Housing (Scotland) Act 2006

prhp ref: RP/16/0148

Re 34 Reids Avenue, Stevenston, Ayrshire, KA 20 4BH being the subjects registered in the Land Register of Scotland under title number AYR78871 ('the Property')

The Parties:-

Mr Peter Semple, residing at the Property ("The Tenant")

Mr Alan Speirs and Mrs Margaret Speirs, residing at 66 Granagh Road, Cullybackey, Balamena, Northern Ireland, BT42 1PR per their agents, Ayrshire Lettings by Alba, 24 Wellington Square, Ayr, KA7 ("The Landlord")

Members of the tribunal: Martin J. McAllister, solicitor, legal member and Kingsley Bruce, surveyor, ordinary member.

The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 16th August 2016 has been completed. Accordingly the said Repairing Standard Enforcement is discharged.

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.

These presents signed at Kilwinning on 31st March 2017 by Martin J. McAllister, Solicitor, Legal Member of the Housing and Property Chamber of the First-tier Tribunal for Scotland before Joanna Bingham, 83 Main Street, Kilwinning KA13 6AN.

M McAllister

J Bingham

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).

prhp ref: RP/16/0148

Re 34 Reids Avenue, Stevenston, Ayrshire, KA 20 4BH being the subjects registered in the Land Register of Scotland under title number AYR78871 ('the Property')

The Parties:-

Mr Peter Semple, residing at the Property ("The Tenant")

Mr Alan Speirs and Mrs Margaret Speirs, residing at 66 Granagh Road, Cullybackey, Balamena, Northern Ireland, BT42 1PR per their agents, Ayrshire Lettings by Alba, 24 Wellington Square, Ayr, KA7 ("The Landlord") Members of the tribunal: Martin J. McAllister, solicitor, legal member and Kingsley Bruce, surveyor, ordinary member.

Decision:

The tribunal determined that a certificate of completion be issued in terms of Section 60 of the Act

Background:

1. On 16th August 2016 a private rented housing committee made a repairing standard enforcement order (RSEO) in respect of the House. The members of the committee were Martin J. McAllister, solicitor, Chairman and Kingsley Bruce, surveyor.
2. The tenancy of the House has been lawfully terminated.
3. On 1st December 2016 the Housing and Property Chamber assumed responsibility for the application. The members of the tribunal dealing with the application are Martin J. McAllister, solicitor, legal member and Kingsley Bruce, surveyor, ordinary member.
4. The RSEO was in the following terms:

**a) The Landlord requires to provide a suitable system in the Property for space heating and water heating and specifically to ensure that both functions can be operated simultaneously and provide to the Committee a certificate and report from a qualified Gas Safe Registered Engineer confirming that the system is effective and safe. Such certification and report must address the Committee's concerns regarding the back boiler and that the carbon monoxide detector complies with current regulations.
(Section 13 (1) (c) and 13 (1) (g) of the Act).**

**b) The Landlord is to produce an electrical installation condition report prepared by a suitably competent person confirming that the electrical system within the Property is in a safe and efficient condition. This report should confirm that all lights in the property are functioning.
(Section 13 (1) (c) of the 2006 Act)**

**c) The Landlord is required to ensure that heat and smoke alarms comply with the requirements of the revised Domestic Technical Handbook issued by Scottish Government's Building Standards Division (Technical Handbooks 2013:- Domestic-Fire)
(Section 13 (1) (f) of the Act).**

**d) The Landlord is to repair or renew the kitchen floor to ensure that it does not constitute a trip hazard and can be cleaned effectively. The Landlord has to install a threshold bar between the kitchen and the dining area.
(Section 13 (1) (a) of the Act).**

**e) The Landlord is required to obtain a report from a suitably qualified and experienced contractor with regard to the high moisture readings found in the property, produce such a report and take appropriate action to eradicate the dampness.
(Section 13 (1) (a) of the Act).**

**f) The Landlord is required to repair or renew the lock in the rear door.
(Section 13 (1) (b) of the Act).**

**g) The Landlord is required to repair or renew the toilet seat to ensure it is properly fixed and to repair or renew the soil waste pipe.
(Section 13 (1) (c) of the Act).**

h) The Landlord is required to repair or renew the garage and the shed to ensure that they can be used safely and that they are free from water ingress.

In view of the nature of the failure to meet the Repairing Standard as defined in the Act, the committee determined that the repairing standard enforcement order required to be complied with by the date eight weeks from service of the repairing standard enforcement order upon the Landlord.

5. A variations of the repairing standard enforcement order was made to allow the Landlord more time to carry out the work.
6. On 20th February 2017 the ordinary member of the tribunal inspected the House and a copy of his report with relevant photographs is attached.
7. The report discloses that some works required by the RSEO have been completed but that some matters remained outstanding at the time of the inspection.
8. Subsequent to the inspection the Landlord provided information and vouching in satisfactory terms to the tribunal with regard to the outstanding matters.
9. The tribunal noted that the tenancy had been lawfully terminated and, in view of the fact that the requirements of the RSEO had been complied with, considered there to be no reason to send a copy of the inspection report to the Landlord for comment. It is in the interest of the Landlord and the private rented housing market that the repairing standard order be discharged as soon as practicable.
10. 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.

Martin J. McAllister, Solicitor,
Legal Member of the Housing and
Property Chamber of the First-tier
Tribunal for Scotland.
31st March 2017

H _____

Housing and Property Chamber
First-tier Tribunal for Scotland



Housing and Property Chamber Reinspection Report

Property: 34 Reids Avenue, Stevenston, Ayrshire KA20
Ref No: PRHP/RP/16/0148

Surveyor: Kingsley K Bruce, MRICS

Access:

I re-inspected the property at 16:00 on Monday 20 February 2017.

The interior of the house was inspected visually, whilst standing at floor level within the various rooms, the exterior, whilst standing at ground level in the garden or on the street adjacent.

In Attendance:

My inspection was accompanied, by the Landlord's Letting Agent, Ms ane Parks of Mackenzie Way, the Tenant, Mr Peter Semple Goodwin who lodged the application was not present in the property.

The property was unoccupied and unplenished.

Weather:

Conditions were generally dry and bright at the time of my re-inspection.

Requirements of the Repairing Standard Enforcement Order (RSEO):

The RSEO dated August 2016 required the landlord, as follows:

- a) ***"The Landlord requires to provide a suitable system in the Property for space heating and water heating and specifically to ensure that both functions can be operated simultaneously and provide to the Committee a certificate and report from a qualified Gas Safe Registered Engineer confirming that the system is effective and safe. Such certification and report must address the Committee's concerns regarding the back boiler and that the carbon monoxide detector complies with current regulations.
(Section 13 (1) (c) and 13 (1) (g) of the Act).***
- b) ***The Landlord is to produce an electrical installation condition report prepared by a suitably competent person confirming that the electrical system within the Property is in a safe and efficient condition. This report should confirm that all lights in the property are functioning.
(Section 13 (1) (c) of the 2006 Act)***
- c) ***The Landlord is required to ensure that heat and smoke alarms comply with the requirements of the revised Domestic Technical Handbook issued by Scottish Government's Building Standards Division (Technical Handbooks 2013:- Domestic-Fire)
(Section 13 (1) (f) of the Act).***
- d) ***The Landlord is to repair or renew the kitchen floor to ensure that it does not constitute a trip hazard and can be cleaned effectively. The Landlord has to install a threshold bar between the kitchen and the dining area.
(Section 13 (1) (a) of the Act).***
- e) ***The Landlord is required to obtain a report from a suitably qualified and experienced contractor with regard to the high moisture readings found in the property, produce such a report and take appropriate action to eradicate the dampness.
(Section 13 (1) (a) of the Act).***
- f) ***The Landlord is required to repair or renew the lock in the rear door.
(Section 13 (1) (b) of the Act).***
- g) ***The Landlord is required to repair or renew the toilet seat to ensure it is properly fixed.
(Section 13 (1) (c) of the Act).***
- h) ***The Landlord is required to repair or renew the garage and the shed to ensure that they can be used safely and that they are free from water ingress.***

In view of the nature of the failure to meet the Repairing Standard as defined in the Act, the committee determined that the repairing standard enforcement order requires to be complied with by the date eight weeks from service of the repairing standard enforcement order upon the Landlord."

Works required by the RSEO which have been undertaken:

At a previous inspection, undertaken in November 2016, the findings were as follows:

A visual inspection of the property was undertaken, looking specifically at the items/areas which were subject of the application and the RSEO, as served on the Landlord.

At the time of the re-inspection the following items of work, required by the Repairing Standard Enforcement Order (RSEO) which had/had not been undertaken were as follows:

- *Whilst the Agent/Contractor asserted that the switch operating the boiler/hot water was working, this could not be confirmed in the course of inspection.*
- *The back boiler appeared to be functioning, however the "living flame" fire or room heater was disconnected/disabled.*
- *A Gas Safety Certificate was exhibited at the property, date 3 November 2016, provided after expiry of the RSEO, which confirmed the foregoing comments.*
- *A Carbon Monoxide detector had been provided in the Livingroom.*
- *An Electrical Inspection Condition Report was exhibited at the property, dated 1 November 2016, again after expiry of the RSEO.*
- *Whilst some electrical works, including removal of recessed spotlights and wall lights in the main bedroom, had been undertaken, the Report highlighted other essential works, which had not been completed at the time of the re-inspection, albeit an email confirming a start date of 14 November 2016, was shown at the property.*
- *Heat/smoke detectors had been installed.*
- *Repairs had been undertaken to the kitchen floor and threshold.*
- *No report had been obtained in relation to damp conditions noted to the lower wall in the dining area adjacent to the kitchen. The area had been repainted, but when tested with an electronic moisture meter, readings were unacceptably high in parts.*
- *The lock had been replaced to the back door.*
- *No works had been undertaken to the garage/shed, albeit warning signs have been affixed externally.*

Based upon the findings of the re-inspection, the requirements of the RSEO had not been fully met at that date.

Copies of gas and electrical certificates should be forwarded to the offices of PRHP in terms of the order.

During the inspection of 20 February 2017, the findings were as follows:

Written evidence that outstanding electrical works had been undertaken had not been provided to the Tribunal prior to inspection.

The gas fire in the livingroom was still inoperable.

The timber garage had been removed, albeit the base remained.

The timber shed had been roughly patched with timber materials and the roof roughly covered with felt. The roofing felt was not attached at the rear of the roof, timber sarking or roof boarding was insecure and decayed, as was flooring. The shed was not found to be wind and watertight or in reasonable state of repair.

Readings taken with an electronic moisture meter in the dining area were largely within acceptable limits and did not indicate significant structural dampness although at a corner there was a small area where readings were higher, A written report as required in terms of the order did not appear to have been received prior to re-inspection.

Kingsley K Bruce, MRICS
Surveyor Member
Private Rented Housing Panel

22 February 2017

PHOTOGRAPHS TAKEN AT TIME OF RE-INSPECTION:





