



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION
26(1) OF THE HOUSING (SCOTLAND) ACT 2006 ("the Act")**

In connection with

**Property at 39 Wallbrae Road, South Carbrain, Cumbernauld G67 2PD
(hereinafter referred to as "the house")**

Miss. Tracey McGillivray, formerly residing at the house ("the Tenant")

Mr. Ajay Ahuja, 99 Moreton Road, Ongar, Essex, sole owner of the house and Co-Director with Mrs. Hana Mayerova of Ahuja Holdings being a trading name for AMPG Limited which company manage the tenancy for the owner and whose registered office is Unit 1, South Fens Business Centre, Fenton Way, Chatteris, Cambridgeshire PE16 6TT ("the Landlord")

Reference PRHP/RP/14/0168

DECISION

The Private Rented Housing Committee ("the Committee"), having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order as varied (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the findings from the inspection of the house on 5 February 2016, and further considering the Landlord's written representations provided in e-mails and the oral representations of the Landlord's representative at a hearing on 9 May 2016, unanimously decided in terms of Section 26(1) of the Act that the Landlord had failed to comply with the RSEO and directed that a notice of the failure be served on the Local Authority on which the house is situated.

The Committee had considered whether or not a variation or revocation of the RSEO was appropriate but discounted these options given the evidence before them that the Landlord had already had sufficient time to complete the works and the outstanding works remained necessary.

Since the tenant has left the house, a rent relief order is not appropriate.

1. BACKGROUND

Reference is made to the Determination of the Committee dated 24 November 2014 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Act and to the Repairing Standard Enforcement Order (RSEO) dated 8 December 2014 which required the Landlord to carry out works as specified therein. The said works detailed in the RSEO to be carried out and completed within a period of 8 weeks. Due to

appeal of the said Determination which was finally determined on 26 February 2015, the works detailed in the RSEO required to be completed by 23 April 2015.

Taking account of the findings of inspections of the house on 6 August 2015 and 18 September 2015 and further considering the terms of additional reports obtained following the issue of a Committee Direction dated 24 August 2015 and the subsequent written representations and reports from the Landlord, the Committee determined that the RSEO should be varied to extent the period for completion of works detailed within the RSEO, all in terms of Section 25 (1) (a) and Section 25 (3) of the Act. The Decision to vary the RSEO is dated 25 November 2015 and is referred to for its terms as is the notice to vary dated 30 November 2015. That decision stated that although some works had been completed, there was ample evidence to support a failure to comply with the RSEO dated 8 December 2014. However, on balance the Committee decided, since the house was unoccupied and its poor condition was likely to have a detrimental effect on adjoining properties that the public interest was best served by giving the Landlord one final chance to complete all the works in the RSEO, which would include the making good of damage caused by the carrying out of any work for the purpose of complying with the RSEO. The Committee varied the RSEO to take account of works completed thus far and extended the period for completion of the required works within the RSEO until 15 January 2016. The Committee expressed the hope that the decision to extend the period for compliance with the RSEO would result in completion of all outstanding works to a reasonable standard.

2. Works required by the varied RSEO dated 30 November 2015:

2. 1. The requirements (c), (h), (i), (k), (l), (m) and (n) in the RSEO dated 8 December 2014 are deleted; the other requirements in the RSEO remain outstanding, namely:

(a) To allow a report on the gas installation, boiler, pipe work and radiators to be completed by an inspector from the Gas Safe Register and thereafter to complete the installation of the gas central heating system and to ensure that the system meets the repairing standard and to provide certification to confirm this from a Gas Safe Registered Engineer acceptable to the Committee;

(b) To repair the source of water leak in the bathroom; to repair the damage to the flooring under the bath, and the adjoining skirting and to replace the ceiling and make good the plasterwork in the first floor room left; to ensure that the bath is securely fixed to the floor; and all existing sealant at the bath removed and replaced, all the foregoing to a reasonable state of repair;

(d) To secure the upstairs toilet so that it does not move, repair the laminate in the bathroom to ensure no gaps and it is readily able to be cleaned and to box in the exposed pipes to a reasonable state of repair;

(e) To remove the asbestos water tank using the services of a competent contractor who is licensed under the Waste Management Regulations and who will dispose of the tank. Thereafter to remedy the damage caused by water leaking from the tank and this includes the damage to all affected ceilings and walls in the first floor bedroom left, the first floor landing and adjoining cupboards and any associated damage to the ground floor walls and ceilings, all to a reasonable state of repair;

(f) To replace or repair the broken window in the second floor bedroom right and to carry out remedial works to the timber frame in the adjoining window to ensure a reasonable

state of repair; and to replace all damaged and missing window handles to ensure all windows are capable of closing properly and are in a reasonable state of repair;

(g) To repair the window in the first floor bedroom left to ensure that the window is secure and can be opened and closed properly and is in a reasonable state of repair and in proper working order;

(j) To repair or replace the lock in the back door to ensure that it is in a reasonable state of repair and in proper working order and to remove the redundant mortice lock and make good any damage caused;

2. 2. The required works in the RSEO to include the securing of the exposed plastic central heating pipes along their full length and to ensure that the pipes are clipped at regular intervals;

2. 3. The RSEO to include a requirement on the Landlord to either provide written verification that the boiler appliance/ flue as fitted in the house does not require a shield as described in the Gas Safe Register inspector's report dated 22 September 2015 or fully comply with the requirements as detailed at clause 2. on page 2 of the report; the other issues relating to the identified defects in the aforesaid said report to be rectified as described to ensure compliance with the repairing standard so that the installation in the house is in a reasonable state of repair and in proper working order, all to the satisfaction of the Committee; the type and location of the carbon monoxide detector in the house must comply with the Scottish Government Statutory Guidance issued in relation to the Provision of Carbon Monoxide Alarms in Private Rented Housing;

2. 4. The required works in the RSEO to include the completion of the installation of the replacement shower to ensure that it is in a reasonable state of repair and in proper working order;

2. 5. The period allowed for the completion of the remaining works required by the Order is extended until 15 January 2016;

The landlord is reminded that it is a requirement of the RSEO that he must make good damage caused by the carrying out of any work for the purpose of complying with the repairing standard duty. This includes such matters as filling in holes and making good affected areas, and redecoration of these affected areas.

3. Findings at the re-inspection

After expiry of the time limit stated in the varied RSEO the house was inspected by the Committee members, Mrs. Aileen Devanny, Chairperson, and Ms Carol Jones, chartered surveyor. This re-inspection took place on 5 February 2016 and in attendance was the landlord's agent Mr Richard Matthews. The weather at the time of re-inspection was overcast with intermittent rain.

Findings at the re-inspection relating to works in the RSEO which were found to have been undertaken or were outstanding were detailed in a written report from the surveyor member dated 24 February 2016, a copy of which is attached and referred to. The said written report from the surveyor member includes photographs taken at the re-inspection

which illustrate the comments made by the surveyor in the report. This report made the following findings-

3. 1. a) The central heating system has been completed and Mr Matthews tested the system at the time of this re-inspection. The radiators all appear to be functioning. It was however noted that during recent works in this property that a number of sections of boxed pipe work have been dismantled and not reinstated to a safe and secure state (see also section below relating to "making good" damage and photos 5 - 10).

3. 1. b) This requirement was part satisfied prior to the re-inspection by the committee on 6 August 2015 and detailed in the Decision dated 25 November 2015. The landlord has now removed the existing sealant around the bath and applied new sealant however there remains a significant gap at the edge of the bath and there is a nail protruding from the tiling just above the seal.

There are some slight marks to the new ceiling in the first floor bedroom left which is situated directly below the bathroom which could be a result of the paint drying out. The bath taps were turned on at the inspection for an extended period of time and no changes to these marks were observed (photos marked 1. (b)).

3.1. d) The upstairs toilet was secured prior to the re-inspection on 6 August 2015. Some boxing of the pipes had been carried out although at that time the quality of workmanship was very poor and the boxing was not secure. The landlord has now fixed 2 sheets of what appears to be MDF to the floor around the base of the toilet. This has been skimmed and gaps filled with Polyfilla or a similar material. The floor is not level in this area, the surface is porous and it would be hard to clean effectively. The boxing of the pipe work is now reasonably secure but some gaps remain (photos marked 1. (d)).

3.1. e) This requirement was part satisfied prior to the re-inspection on 6 August 2015 and detailed in the Decision dated 25 November 2015. The landlord has now painted the new plasterboard ceiling in the first floor bedroom left and installed a new plasterboard ceiling in the adjoining cupboard off the landing, he has also boxed in the pipe work in this cupboard and re-painted. The associated water damage to most areas including the ground floor has now been rectified although there is still some damage at the base of the wall in the first floor cupboard (photos marked 1. (e)).

3. 1. f) The glazing to the broken window in the second floor bedroom right was replaced before the re-inspection on 6 August 2015 but the new section of external timber remains unpainted. A number of new handles have been fitted to several windows throughout the property and most of them open and close satisfactorily. However, the left hand side window in the first floor room to the right cannot be opened and it appears to have a defective restrictor. The handle to the ground floor toilet window which is not easily accessed due to its awkward position at height remains broken and there is no other means of ventilation in this room (photos marked 1. (f)).

3. 1. g) The window in the first floor bedroom (left) has a new handle. However, it still requires the two barrel bolts to engage fully before it is closes securely. It requires significant force to engage the two barrel bolts. If the new handle is used in isolation there remains a gap at the side and the window is not completely stable (photos marked 1. (g)).

3. 1. j) The landlord has installed a new mortice lock to the back door. However, the surrounding timber has split and the door is extremely hard to open and close requiring significant force (photos marked 1. (j)).

3. 2. The landlord has now secured all the exposed plastic central heating pipes throughout the property using copper saddle clips. Some of the previous plastic clips remain in situ (photos marked 2.)

3. 3. In relation to the **Gas Safe Inspector's report dated 22 September 2015** the landlord has carried out the following works (see photos marked 3.):

Gas Supply

- a) The landlord has capped the hole on the top of the gas meter box and rerouted the copper gas installation pipe to exit the box from its base and into the property.
- b) The landlord has also re-routed the copper gas installation pipe from the meter box and it now avoids the kitchen window
- c) The external copper gas installation pipes have now been secured to the rear elevation with copper saddle clips at regular intervals and the internal copper gas installation pipes which run through the first floor landing cupboards have now had sleeves fitted as they pass through the walls.

Boiler

- a) The manufacturer's installation instructions and commissioning checklist/log book have been left by the landlord at the side of the boiler
- b) Securing brackets have now been fitted to the boiler flue. The inner surface of the external wall has now been sealed around the flue with a sand/cement mixture. The landlord's gas engineer Mr Mark Perryman has confirmed he has installed a metal sleeve around the duct with the appropriate air gap although it was not possible to inspect the full extent of works carried out to the flue and I cannot confirm this. He also provided written confirmation from Baxi in an email dated 13 January 2016 that a non-combustible plate is unnecessary in these circumstances although the email request from Mr Perryman on the same day did not make it clear to Baxi that the external cladding of this property is timber.
- c) The existing CO alarm has now been mounted onto an internal wall in the room where the boiler is situated, it is sited around the level or just below the top of the door and approximately 3 - 4 metres from the boiler. This alarm has an EN 50291 mark and the date of fitting in October 2015 on the back.
- d) A thermostat control dial has been installed to the first floor landing on the wall next to the 1st floor room on the right.

3. 4. The replacement shower has been completed and was tested and appears to be in working order (photo marked 4).

Making Good Damage caused by the carrying out of work in relation to the RSEO dated 8 December 2014 and the Varied RSEO dated 30 November 2015 - Photographs 1 - 18

It was noted during this re-inspection that in the process of carrying out repair works to the property further damage has been caused and/or the landlord has not "made good" certain damage related to works carried out to comply with the RSEO dated 8 December 2014 and the notice of a decision to vary the RSEO dated 30 November 2015.

During previous re-inspections of this property by the committee the water was turned off. The committee asked specifically for all services to be fully connected for this re-inspection and it was noticed that there are currently significant leaks to pipe work in the ground floor cloakroom and in the meter cupboard off the ground floor hall and the floors in both areas

were wet. The boxed pipe work in the cloakroom has also been opened and not re-secured and there are loose screws protruding.

Several other sections of boxing to the central heating pipes have also been disturbed there are a number of areas where the boxing is currently unsecured/screws are loose and protruding and gaps evident.

It was also noted that the ceiling mounted light fitting in the ground floor hall is loose and the ceiling is cracked. The hole in the tiling above the shower has been covered with a section of what appears to be painted MDF and has not been tiled to match the surrounding tiled wall and there remains a significant gap between the bath panel, tiling/sealant and wall in the bathroom. There are also gaps around some power points in the kitchen and a loose disconnected pipe in one of the second floor cupboards.

In the course of decoration the hall cupboards have been painted and they are sticking shut and very considerable force is needed to open them.

Additional observations - Photographs 19 - 33

In the course of previous re-inspections the Committee observed a number of other works required which cannot be enforced as they do not form part of the varied RSEO. These are detailed in the Statement of Decision dated 25 November 2015 and relate to the cloakroom toilet door, plastering repairs to the walls, boxing of pipes, external timber cladding, removal of rubbish, rainwater goods and the ground floor front window.

None of these issues have been rectified and some of them have become more serious in nature with a continued deterioration to the fabric of certain elements of the property and a significant increase in rubbish lying in the back garden. This appears to have been mainly caused by trades' people leaving empty containers/builders debris on top of existing piles of rubbish.

Procedure following the issue of the re-inspection report

The re-inspection report dated 24 February 2016 was circulated to the Landlord for comment. The Committee also asked the Landlord to seek further clarification from Baxi that their advice that a non-combustible plate is unnecessary would still apply if the external cladding of the property is timber. The Landlord was asked to contact Baxi with a copy of the photographs of the external cladding when seeking such clarification and then to submit the response from Baxi to the Committee by 18 March 2016.

The Landlord responded on 4 March 2016 and requested a hearing before the Committee. He indicated that he would obtain the additional information from Baxi. On 5 March 2016, the Landlord submitted written representations indicating that he disagreed with the findings of the surveyor's report based on (1) the interpretation of the wording of the RSEO and (2) commenting on gas when not Gas Safe registered. He indicated that the decision as to whether the RSEO had been complied with was a subjective test as to whether something had been completed or not. He stated that "a builder will be on site rectifying issues pointed out by surveyor on 13/14th March and photos will be supplied reminding what surveyor has picked up. Photos to follow to present at hearing."

A further submission with photographs was received from the landlord in advance of the hearing. That submission was that "all works were carried out that were highlighted in the surveyor's report even if not on the RSEO. Pictures are in order of the report. The pictures are of work done post the surveyor's report to correct the issues highlighted even if they

did not form part of the RSEO.” An additional video was sent via e-mail showing the operation of a lock. The Landlord’s submissions are attached to this decision as a report.

4. Hearing

A hearing took place in the afternoon of 9 May 2016. The Landlord was not in attendance but he had indicated that Mr. Richard Matthews would be attending as his representative.

Present at the hearing was Mr. Matthews and the Committee members, Mrs. Aileen Devanny, Chairperson, and Ms. Carol Jones, surveyor member.

Mrs. Devanny explained the procedure for taking evidence and that the Committee was there to consider whether the RSEO as varied had been complied with within the timescale stated in that order. She pointed out that no additional information clarifying the position of Baxi on the requirement for a non-combustible plate in a house with external timber cladding had been provided to the Committee. Mr. Matthews indicated that he was not sure if contact with Baxi had been made.

Mr. Matthews stated that the RSEO could be interpreted in different ways and he considered, as did the Landlord, that the RSEO had been complied with. He repeated this at the end of the hearing and stated that the RSEO had been complied with as at the date of the re-inspection on 5 February 2016 and the Landlord’s position was that the works completed by the builder post- re-inspection were works beyond that required to comply with the RSEO.

The Committee went through the various points in the order given in the re-inspection report and gave Mr. Matthews an opportunity to comment on each issue. His comments correspond with the numbering of the items in the re-inspection report –

3.1. a) -The central heating system was working and met the repairing standard.

3.1. b) - Since the re-inspection, the nail in the tiling had been removed and the gap in the bath filled. Mr. Matthews felt that such works were not part of the requirements of the RSEO.

3.1.d) – Mr. Matthews submitted that compliance with this issue in the RSEO was a matter of opinion and he believed the RSEO had been complied with. The bathroom floor had been fitted with beech wood effect linoleum since the re-inspection and white silicon had been applied.

3.1.e) – The wall had now been patch painted in the first floor cupboard and the reason for holes in the wall was due to Sky telephone cables. He could not account for the black mould on the walls at this location.

3.1. f) – The external timber had been painted since the re-inspection. Mr. Matthews submitted that it was unnecessary for all windows to be capable of opening and it is sufficient to meet the repairing standard that one window is capable of opening in each room. The handle mentioned in the re-inspection report has been replaced. He did not think that the reference to all windows in the RSEO included the window in the ground floor toilet. That window has now been opened using a crowbar and can close.

3.1.g) – The video by the Landlord Mr Matthew submitted indicated that the barrel bolts can now be engaged and the window can open and close.

3.1.j) – The house has been empty for nearly two years and since the re-inspection works have been completed and the door has been planned and can open and close without using force.

3.2 – He indicated that this work in the RSEO had been completed. It was just that clips had been left in place and not removed. This is not a breach of the repairing standard.

3.3 - The works in this part of the RSEO had been completed. Since the re-inspection the outer wood paneled wall had been shielded with a steel plate. He could not comment on the manufacturer's comments about this requirement. He submitted that the Gas Safe Register Inspector had deemed the system safe.

3.4 – He made no comment.

Making Good Damage - – He pointed out that all pipes had been boxed in since the re-inspection. He indicated that the pipes had been boxed in prior to the re-inspection but disturbed by the Landlord's workmen. He considered that the leak in the ground floor cloakroom was from the stopcock rather than a waste pipe in the electrical meter cupboard adjoining. The loose ground floor hall light and hole in the ceiling had been rectified since the re-inspection. Since re-inspection the previously repaired section of tiled wall above the shower had been filled with a new piece of tile and silicon applied and the gap at the bath panel had been sealed.

He made no comment on the additional observations in the re-inspection report since they did not form part of the RSEO.

He concluded by stating that all required works in the RSEO were completed at the time of the re-inspection and the Landlord had gone beyond the basic repairing standard and what was required in the varied RSEO.

DETERMINATION AND REASONS

5. The Committee considered the evidence of the re-inspection findings along with the evidence provided by the Landlord in the form of written submissions and the oral representations of the Landlord's representative. The issue for determination by the Committee is whether or not the works required in the varied RSEO were completed within the timeframe specified in the RSEO. Although additional observations are stated in the varied RSEO, there is no requirement on the Landlord to complete the works detailed in the observations for the purpose of compliance with the RSEO and therefore the Committee disregarded these observations when considering whether the RSEO had been complied with. However, it is worthy of comment that if the house is eventually re-let the matters specified in the additional observations will need to be addressed by the Landlord before doing so.

The RSEO specified that the works required to be completed by 15 January 2016. The re-inspection took place on 5 February 2016 and therefore by that date all required works should have been completed. It would seem that the Landlord in the face of the re-inspection findings in the surveyor's report seemed to consider that he had a further opportunity to complete works in compliance of the RSEO. That is not the case. It was made very clear in the Committee's last determination dated 25 November 2015, when at that stage the works had not all been completed within the time limit specified within the original RSEO, that one final chance was being given to complete the works in the RSEO and the RSEO was varied to extend the time limit for completion of works to 15 January 2016. The Committee does not consider, in light of the considerable time period that the Landlord has had to complete the works since the expiry of the original period for compliance within the RSEO on 23 April 2015 that a further extension of the time period

for completion of the works in the RSEO should be granted beyond 15 January 2016. The Committee has therefore disregarded the works completed since the re-inspection and is basing its decision on compliance with the RSEO on the findings at the re-inspection, the written representations of the Landlord and the verbal representations of the Landlord's representative at the hearing on whether the RSEO had been complied with as at the re-inspection on 5 February 2016. The photographs submitted by the Landlord of work done post issue of the surveyor's re-inspection report are not relevant to the Committee's determination.

The Landlord's position is that the issue of compliance with the RSEO is a subjective decision. He considers that as at 5 February 2016 the works required in the RSEO had been complied with. The Committee has considered in turn the issues detailed in the re-inspection report and measured compliance against the test of whether or not on completion of the required works, the house in relation to that required item of work could be said to meet the repairing standard in Section 13 of the Housing (Scotland) Act 2006 which for the most part would be to a standard which meets a reasonable state of repair and being in proper working order. Mr. Matthews indicated at the hearing that the test to be applied is one of safety to a tenant. Whilst the Committee would agree that safety for occupants of a house is important and a house which is unsafe will not meet the repairing standard as it is not fit for human habitation, the repairing standard in Section 13 encompasses a wider definition of the repairing standard than the application purely of a safety test.

The Committee considered the various elements of the RSEO and concluded as follows

1. a) This item in the RSEO has been completed subject to the failure to make good damage caused to the boxed pipe work (photos 5 - 10).

1. b) This requirement has been part satisfied but there is a gap at the edge of the bath which has not been sealed and there is a nail protruding from the tiling just above the seal. (photos 1.(b)). Whilst it would seem obvious to any workman that the nail should be removed to avoid possible injury of persons using and cleaning the bath and similarly the gap in the bath surround should be sealed to avoid water ingress to the floor below the bath and to avoid possible injury to users of the bath, the Landlord's representative indicated that the RSEO had not specifically mentioned these works. The repairing standard will require these works to be completed but the Committee do consider that in light of the ambiguity in the wording of the RSEO it would be harsh to decide that the Landlord had failed to comply with this clause of the RSEO. Accordingly, the Committee has decided that this requirement in the RSEO has been satisfied. Before the house is re-let the nail will require to be removed and the gap in the bath surround sealed to comply with the repairing standard.

3.1. d) This requirement has been part satisfied prior to the re-inspection on 6 August 2015. Some boxing of the pipes had been carried out prior to 6 August although at that time the quality of workmanship was very poor and the boxing was not secure and did not meet the required standard.

The landlord has now fixed 2 sheets of what appears to be MDF to the floor around the base of the toilet. This has been skimmed and gaps filled with Polyfilla or a similar material. The floor is not level in this area, the surface is porous and it would be hard to

clean effectively. The boxing of the pipe work is now reasonably secure but some gaps remain (photos marked 1. (d)). The RSEO expressly stated that the laminate floor was to be repaired to ensure no gaps and that it could be readily cleaned. The repair carried out to the floor area was not a satisfactory repair and does not meet the requirements of the RSEO. The boxing of the pipe work is not of an acceptable standard because of the gaps evident around the fittings which could lead to difficulty cleaning the area and it has the potential for dirt to gather which is not accessible to clean and there is potential for an occupant's finger being caught in the gap. The Committee does not consider that this requirement of the RSEO has been fully complied with.

3.1. e) This requirement was part satisfied prior to the re-inspection on 6 August 2015 and detailed in the Decision dated 25 November 2015. Since the issue of the varied RSEO, the Landlord has painted the new plasterboard ceiling in the first floor bedroom left and installed a new plasterboard ceiling in the adjoining cupboard off the landing, he has also boxed in the pipe work in this cupboard and re-painted. The associated water damage to most areas including the ground floor has now been rectified although there is still some damage at the base of the wall in the first floor cupboard (photos marked 1. (e)).The Committee do not consider because of the damage which remains in the cupboard off the first floor landing that this requirement of the RSEO has been fully complied with.

3. 1. f) The glazing to the broken window in the second floor bedroom right was replaced before the re-inspection on 6 August 2015 but the new section of external timber remains unpainted. A number of new handles have been fitted to several windows throughout the property and most of them open and close satisfactorily. However, the left hand side window in the first floor room to the right cannot be opened and it appears to have a defective restrictor. The handle to the ground floor toilet window which is not easily accessed due to its awkward position at height remains broken and there is no other means of ventilation in this room (photos marked 1. (f)).The RSEO required the replacement of all damaged and missing window handles to ensure that all windows are capable of closing properly and are in a reasonable state of repair. The Committee does not consider that this requirement of the RSEO has been fully complied with.

3. 1. g) The window in the first floor bedroom (left) has a new handle. However, it still requires the two barrel bolts to engage fully before it is closes securely. It requires significant force to engage the two barrel bolts. If the new handle is used in isolation there remains a gap at the side and the window is not completely stable (photos marked 1. (g)). The Committee does not consider that this requirement of the RSEO has been complied with. There should be no need for barrel bolts if the handle is operating correctly. **3. 1. j)** The Landlord has installed a new mortice lock to the back door. However, the surrounding timber has split and the door is extremely hard to open and close requiring significant force (photos marked 1. (j)). The Committee does not consider that this requirement of the RSEO has been complied with. The door is not in a reasonable state of repair and not in proper working order.

3. 2. The Landlord has now secured all the exposed plastic central heating pipes throughout the property using copper saddle clips. Some of the previous plastic clips remain in situ (photos marked 2.) The presence of the previous clips detracts from the appearance of the skirting but it is a minor issue and the Committee does not consider that a failure to comply decision should be made for this requirement of the RSEO.

3. 3 In relation to the Gas Safe Register Inspector's report dated 22 September 2015 it was indicated that the installation either did not meet current standards or was not

compliant with building regulations but was safe. The Landlord has carried out most of the works to rectify the defects noted in that report. However, the information provided by Baxi in relation to the requirement for a non-combustible metal plate or shield appears to have been given without full information from the Landlord's workman that the external cladding of this property is timber. The Committee requested that this be clarified with Baxi and their response sent to the Committee. This information from Baxi was never forthcoming despite the Landlord stating that he would obtain it. At the hearing the Landlord's representative indicated that a non-combustible metal plate had been installed. The Committee were tempted to take a view that the absence of supplying information to Baxi to allow them to have full information on which to express an opinion on the necessity of a metal plate is a failure to comply with the requirements of the Gas Safe Register Inspector's report and hence a failure to comply with the RSEO which required rectification of the defects highlighted in the Inspector's report. However, on balance the Committee is still unclear on the requirement for a non-combustible plate and therefore considers that the Landlord should be given the benefit of the doubt and no failure to comply with this requirement of the RSEO is being made.

3. 4. The replacement shower has been completed and was tested and appears to be in working order (photo marked 4). Accordingly, this requirement of the RSEO has been complied with.

Making Good Damage caused by the carrying out of work in relation to the RSEO dated 8 December 2014 and the Varied RSEO dated 30 November 2015 (Photos 1 – 18).

It was noted during this re-inspection that in the process of carrying out repair works to the property further damage has been caused and/or the landlord has not "made good" certain damage related to works carried out to comply with the RSEO dated 8 December 2014 and the notice of a decision to vary the RSEO dated 30 November 2015.

During previous re-inspections of this property by the committee the water was turned off. The committee asked specifically for all services to be fully connected for the re-inspection on 5 February 2016 and it was noticed that there is currently a significant leak or leaks to pipe work in the ground floor cloakroom and in the meter cupboard off the ground floor hall and the floors in both areas were wet. The Landlord's representative indicated that the leak was in the area of the stopcock in the ground floor cloakroom. At the time of the re-inspection the boxed pipe work in the cloakroom had been opened and not re-secured and there were loose screws protruding.

At the re-inspection several other sections of boxing to the central heating pipes had also been disturbed there were a number of areas where the boxing was unsecured/screws were loose and protruding and gaps evident.

It was also noted on 5 February that the ceiling mounted light fitting in the ground floor hall was loose and the ceiling was cracked. There are also gaps around some power points in the kitchen and a loose disconnected pipe in one of the second floor cupboards.

In the course of decoration the hall cupboard doors have been painted and they are sticking shut and very considerable force is needed to open them.

The Landlord has not complied with the requirement in the RSEO to make good damage caused by the carrying out of any work for the purpose of complying with the RSEO.

Accordingly, the Committee considers that the Landlord has failed to comply with the RSEO in relation to a number of requirements as detailed above. The Committee does not consider that there is a reasonable excuse for the failure to comply with the RSEO and the Landlord has had sufficient time to comply with the requirements.

The Committee unanimously decided in terms of Section 26(1) of the Act that the Landlord had failed to comply with the RSEO and directed that a notice of the failure be served on the Local Authority on which the house is situated.

It is not appropriate for the Committee to make a Rent Relief Order in terms of Section 27 of the Act as the tenancy to which the application relates has been terminated.

RIGHT OF APPEAL

A landlord or tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by Summary Application within 21 days of being notified of that decision.

Effect of Section 63

Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

A Devanny

Chairperson,

29th May 2016



In relation to decision
issued 29 May 2016 .
- copy of reinspection
report of surveyor
member referred to
in said decision
A Devanny



Private Rented Housing Panel (prhp) Re-inspection report

Date of inspection: 5 February 2016

Reference Number: PRHP/RP/14/0168

Property: 39 Wallbrae Road, South Carbrain, Cumbernauld G67 2PD

Surveyor: Carol L Jones MA MRICS

Access: The landlord's agent Mr Richard Matthews provided access.

Weather: Overcast and intermittent rain.

In attendance: The landlord's agent Mr Richard Matthews and Mrs Aileen Devanny, Chairperson of the PRHP committee attended the inspection.

Notice of a Decision to Vary a Repairing Standard Enforcement Order dated 30 November 2015 (original RSEO dated 8 December 2014)

Works required by the varied RSEO dated 30 November 2015:

1. The requirements (c), (h), (i), (k), (l), (m) and (n) in the RSEO are deleted; the other requirements in the RSEO remain outstanding, namely:

a) To allow a report on the gas installation, boiler, pipe work and radiators to be completed by an inspector from the Gas Safe Register and thereafter to complete the installation of the gas central heating system and to ensure that the system meets the repairing standard and to provide certification to confirm this from a Gas Safe Registered Engineer acceptable to the Committee.

b) To repair the source of water leak in the bathroom; to repair the damage to the flooring under the bath, and the adjoining skirting and to replace the ceiling and make good the plasterwork in the first floor room left; to ensure that the bath is securely fixed to the floor; and all existing sealant at the bath removed and replaced, all the foregoing to a reasonable state of repair.

d) To secure the upstairs toilet so that it does not move, repair the laminate in the bathroom to ensure no gaps and it is readily able to be cleaned and to box in the exposed pipes to a reasonable state of repair.

e) To remove the asbestos water tank using the services of a competent contractor who is licensed under the Waste Management Regulations and who will dispose of the tank. Thereafter to remedy the damage caused by water leaking from the tank and this includes the damage to all affected ceilings and walls in the first floor bedroom left, the first floor landing and adjoining cupboards and any associated damage to the ground floor walls and ceilings, all to a reasonable state of repair.

f) To replace or repair the broken window in the second floor bedroom right and to carry out remedial works to the timber frame in the adjoining window to ensure a reasonable state of repair; and to replace all damaged and missing window handles to ensure all windows are capable of closing properly and are in a reasonable state of repair.

g) To repair the window in the first floor bedroom left to ensure that the window is secure and can be opened and closed properly and is in a reasonable state of repair and in proper working order.

j) To repair or replace the lock in the back door to ensure that it is in a reasonable state of repair and in proper working order and to remove the redundant mortice lock and make good any damage caused

2. The required works in the RSEO to include the securing of the exposed plastic central heating pipes along their full length and to ensure that the pipes are clipped at regular intervals.

3. The RSEO to include a requirement on the Landlord to either provide written verification that the boiler appliance/ flue as fitted in the house does not require a shield as described in the Gas Safe Register inspector's report dated 22 September 2015 or fully comply with the requirements as detailed at clause 2. on page 2 of the report; the other issues relating to the identified defects in the said report to be rectified as described to ensure compliance with the repairing standard so that the installation in the house is in a reasonable state of repair and in proper working order, all to the satisfaction of the Committee; the type and location of the carbon monoxide detector in the house must comply with the Scottish Government Statutory Guidance issued in relation to the Provision of Carbon Monoxide Alarms in Private Rented Housing.

4. The required works in the RSEO to include the completion of the installation of the replacement shower to ensure that it is in a reasonable state of repair and in proper working order

5. The period allowed for the completion of the remaining works required by the Order is extended until 15 January 2016

The landlord is reminded that it is a requirement of the RSEO that he must make good damage caused by the carrying out of any work for the purpose of complying with the repairing standard duty. This includes such matters as filling in holes and making good affected areas, and redecoration of these affected areas.

Works in the varied RSEO Undertaken/Outstanding - see attached photograph schedules:

1. a) The central heating system has been completed and Mr Matthews tested the system at the time of this re-inspection. The radiators all appear to be functioning. It was however noted that during recent works in this property that a number of sections of boxed pipework have been dismantled and not re-instated to a safe and secure state (see also section below relating to "making good" damage and photos 5 - 10).

1. b) This requirement was part satisfied prior to the re-inspection by the committee on 6 August 2015 and detailed in the Decision dated 25 November 2015. The landlord has now removed the existing sealant around the bath and applied new sealant however there remains a significant gap at the edge of the bath and there is a nail protruding from the tiling just above the seal. There are some slight marks to the new ceiling in the first floor bedroom left which is situated directly below the bathroom which could be a result of the paint drying out. The bath taps were turned on at the inspection for some period of time and no changes to these marks were observed (photos marked 1. (b)).

1. d) The upstairs toilet was secured prior to the re-inspection on 6 August 2015. Some boxing of the pipes had been carried out although at that time the quality of workmanship was very poor and the boxing was not secure. The landlord has now fixed 2 sheets of what appears to be MDF to the floor around the base of the toilet. This has been skimmed and gaps filled with Polyfilla or a similar material. The floor is not level in this area, the surface is porous and it would be hard to clean effectively. The boxing of the pipework is now reasonably secure but some gaps remain (photos marked 1. (d)).

1. e) This requirement was part satisfied prior to the re-inspection on 6 August 2015 and detailed in the Decision dated 25 November 2015. The landlord has now painted the new plasterboard ceiling in the first floor bedroom left and installed a new plasterboard ceiling in the adjoining cupboard off the landing, he has also boxed in the pipework in this cupboard and re-painted. The associated water damage to most areas including the ground floor has now been rectified although there is still some damage at the base of the wall in the first floor cupboard (photos marked 1. (e)).

1. f) The glazing to the broken window in the second floor bedroom right was replaced before the re-inspection on 6 August 2015 but the new section of external timber remains unpainted. A number of new handles have been fitted to several windows throughout the property and most of them open and close satisfactorily. However, the left hand side window in the first floor room to the right cannot be opened, it appears to have a defective restrictor. The handle to the ground floor toilet window which is not easily accessed due to its awkward position at height remains broken and there is no other means of ventilation in this room (photos marked 1. (f)).

1. g) The window in the first floor bedroom (left) has a new handle however it still requires the two barrel bolts to engage fully before it is closes securely. It requires significant force to engage the two barrel bolts. If the new handle is used in isolation there remains a gap at the side and the window is not completely stable (photos marked 1. (g)).

1. j) The landlord has installed a new mortice lock to the back door however the surrounding timber has split and the door is extremely hard to open and close requiring significant force (photos marked 1. (j)).

2. The landlord has now secured all the exposed plastic central heating pipes throughout the property using copper saddle clips. Some of the previous plastic clips remain in situ (photos marked 2.)

3. In relation to the **Gas Safe Inspector's report dated 22 September 2015** the landlord has carried out the following works (see photos marked 3.):

Gas Supply

- a) The landlord has capped the hole on the top of the gas meter box and re-routed the copper gas installation pipe to exit the box from its base and into the property.
- b) The landlord has also re-routed the copper gas installation pipe from the meter box and it now avoids the kitchen window
- c) The external copper gas installation pipes have now been secured to the rear elevation with copper saddle clips at regular intervals and the internal copper gas installation pipes which run through the first floor landing cupboards have now had sleeves fitted as they pass through the walls.

Boiler

- a) The manufacturer's installation instructions and commissioning checklist/ logbook have been left by the landlord at the side of the boiler
- b) Securing brackets have now been fitted to the boiler flue. The inner surface of the external wall has now been sealed around the flue with a sand/cement mixture. The landlord's gas engineer Mr Mark Perryman has confirmed he has installed a metal sleeve around the duct with the appropriate air gap although it was not possible to inspect the full extent of works carried out to the flue and I cannot confirm this. He also provided written confirmation from Baxi in an email dated 13 January 2016 that a non-combustible plate is unnecessary in these circumstances although the email request from Mr Perryman on the same day did not make it clear to Baxi that the external cladding of this property is timber.
- c) The existing CO alarm has now been mounted onto an internal wall in the room where the boiler is situated, it is sited around the level or just below the top of the door and approximately 3 - 4 metres from the boiler. This alarm has an EN 50291 mark and the date of fitting in October 2015 on the back.
- d) A thermostat control dial has been installed to the first floor landing on the wall next to the 1st floor room on the right.

4. The replacement shower has been completed and was tested and appears to be in working order (photo marked 4).

Making Good Damage caused by the carrying out of work in relation to the RSEO dated 8 December 2014 and the Varied RSEO dated 30 November 2015 - Photographs 1 - 18

It was noted during this re-inspection that in the process of carrying out repair works to the property further damage has been caused and/or the landlord has not "made good" certain damage related to works carried out to comply with the RSEO dated 8 December 2014 and the notice of a decision to vary the RSEO dated 30 November 2015.

During previous re-inspections of this property by the committee the water was turned off. The committee asked specifically for all services to be fully connected for this re-inspection and it was noticed that there are currently significant leaks to pipework in the ground floor cloakroom and in the meter cupboard off the ground floor hall and the floors in both areas were wet. The boxed pipework in the cloakroom has also been opened and not re-secured and there are loose screws protruding.

Several other sections of boxing to the central heating pipes have also been disturbed there are a number of areas where the boxing is currently unsecured/screws are loose and protruding and gaps evident.

It was also noted that the ceiling mounted light fitting in the ground floor hall is loose and the ceiling is cracked. The hole in the tiling above the shower has been covered with a section of what appears to be painted MDF and has not been tiled to match the surrounding tiled wall and there remains a significant gap between the bath panel, tiling/sealant and wall in the bathroom. There are also gaps around some power points in the kitchen and a loose disconnected pipe in one of the second floor cupboards.

In the course of decoration the hall cupboards have been painted and they are sticking shut and very considerable force is needed to open them.

Additional observations - Photographs 19 - 33

In the course of previous re-inspections the Committee observed a number of other works required which cannot be enforced as they do not form part of the varied RSEO. These are detailed in the Statement of Decision dated 25 November 2015 and relate to the cloakroom toilet door, plastering repairs to the walls, boxing of pipes, external timber cladding, removal of rubbish, rainwater goods and the ground floor front window.

None of these issues have been rectified and some of them have become more serious in nature with a continued deterioration to the fabric of certain elements of the property and a significant increase in rubbish lying in the back garden. This appears to have been mainly caused by tradespeople leaving empty containers/builders debris on top of existing piles of rubbish.

Carol L Jones MA MRICS
Surveyor Member PRHP

24 February 2016

This is the Schedule of
photographs taken at the
reinspection & annexed to
reinspection report referred
to in decision of
29 May 2016
A Devanny



Schedule of photographs taken during the Re- inspection of 39 Wallbrae Road, South
Carbrain, Cumbernauld G67 2PD

by the Surveyor Member of the Private Rented Housing Committee on the 5 February
2016.

Reference Number : PRHP/RP/14/0168



External view - Front elevation of property



1. (b) Bath



1. (b) Bath



1. (b) Bath



1. (b) Bath



1. (b) 1st floor left room ceiling



1. (b) 1st floor left room ceiling



1. (d) Bathroom floor at toilet



1. (d) Bathroom floor at toilet



1. (d) Bathroom



1. (d) Bathroom



1. (d) Bathroom



1. (e) New ceiling in 1st floor room left



1. (e) Cupboard - 1st floor landing adjacent to room with boiler



1. (e) Cupboard 1st floor landing - adjacent to room with boiler



1. (e) Cupboard 1st floor off landing adjacent to room with boiler



1. (e) Ceiling in cupboard off landing on 1st floor



1. (f) 2nd floor room right - window on right - external timber unpainted



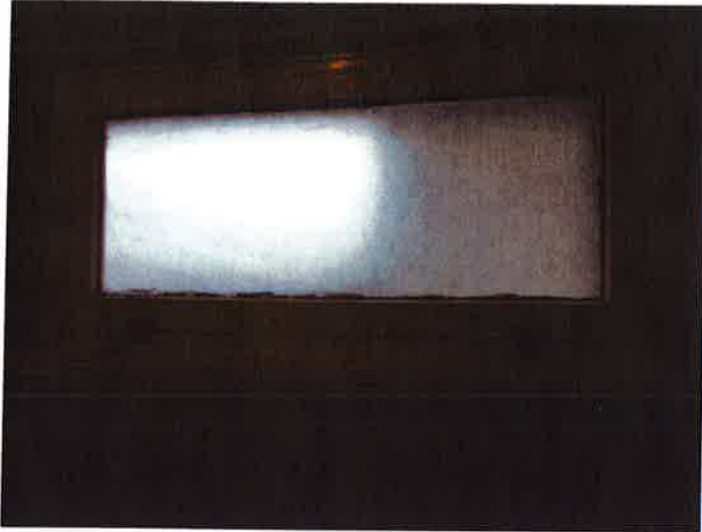
1. (f) 2nd floor room right - window on right - new handles



1. (f) 2nd floor room right - window on left new handle



1. (f) 2nd floor room left - original handle satisfactory



1. (f) 2nd floor bathroom window original handles satisfactory



1. (f) 1st floor room left - new handle/barrel bolts still required



1. (f) 1st floor room on right - right window original handle satisfactory



1. (f) 1st floor room on right - left side window does not open - restricter defective



1. (f) 1st floor room on right - left side window does not open - original handles



1. (f) GF Cloaks original window handle broken/not possible to reach window easily and no alternative form of ventilation



1. (f) GF room front - original handles satisfactory



1. (f) Kitchen window on left - original handles satisfactory



1. (f) Kitchen window on right original handles satisfactory



1. (f) Kitchen window on left opens but restricted by kitchen cupboards



1. (g) 1st floor room left



1. (g) 1st floor room left



1. (j) New mortice lock to back door external



1.(j) New mortice lock to back door - internal



1. (j) Wood split to back door at new mortice lock



1. (j) Wood split to back door at new mortice lock



2. 2nd floor room right



2. 2nd Floor cupboard



2. 2nd floor room left



2. 1st floor room right



2. Ground floor meter cupboard



2. Ground floor meter cupboard



3. Boiler flue - external front elevation



3. Top of meter box to rear



3. Base of gas meter box to rear



3. Rear elevation - copper gas installation pipe



3. Rear elevation - copper gas installation pipe



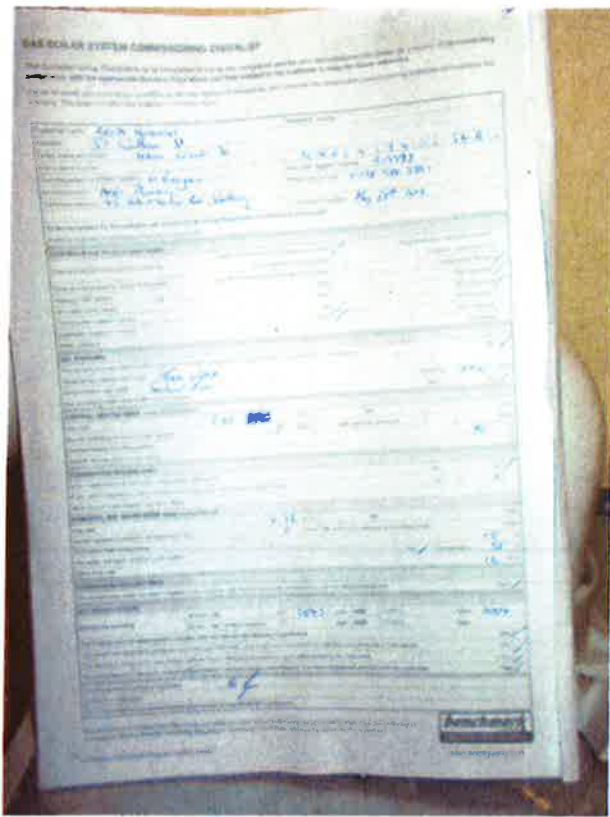
3. Kitchen Window - Unobstructed opening



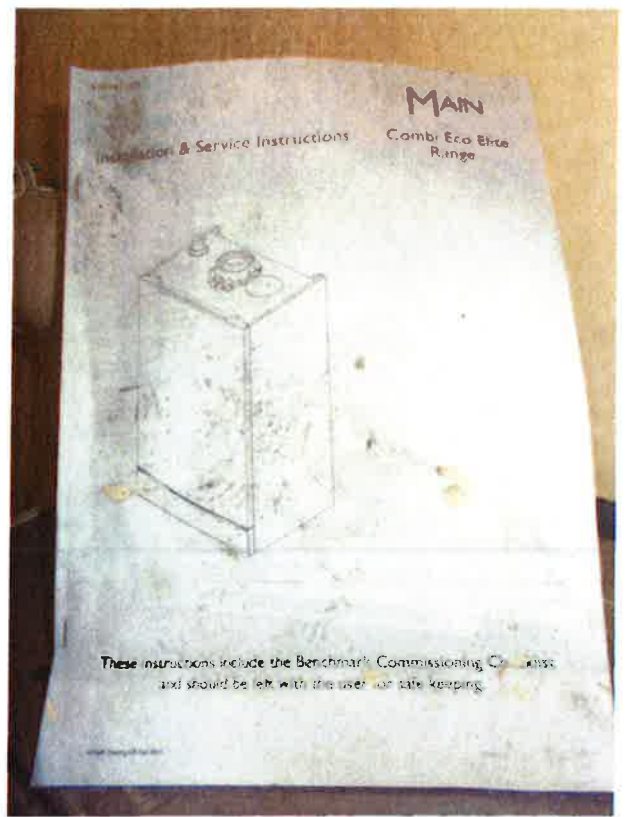
3. Copper pipe sleeved where it passes through the wall - 1st floor cupboard



3. Copper pipe sleeved where it passes through the wall - 1st Floor cupboard



3. Commissioning checklist/logbook



3. Manufacturer's installation instructions next to boiler



3. Flue duct brackets fitted



3. Flue at front wall - 1st floor room left



3. Carbon monoxide alarm - 1st Floor room left



3. Carbon monoxide alarm - 1st floor left room



3. Wall mounted Carbon Monoxide alarm - 1st floor left room



3. Thermostat - 1st floor landing adjacent to cupboard to rear



4. Shower complete and functioning



1. GF Cloaks - boxed pipes/exposed screws



2. GF cloaks - pipe leaking behind boxing



3. GF Cloaks - boxed pipes - unsecured/loose screws etc



4. 2nd floor cupboard - disconnected pipe



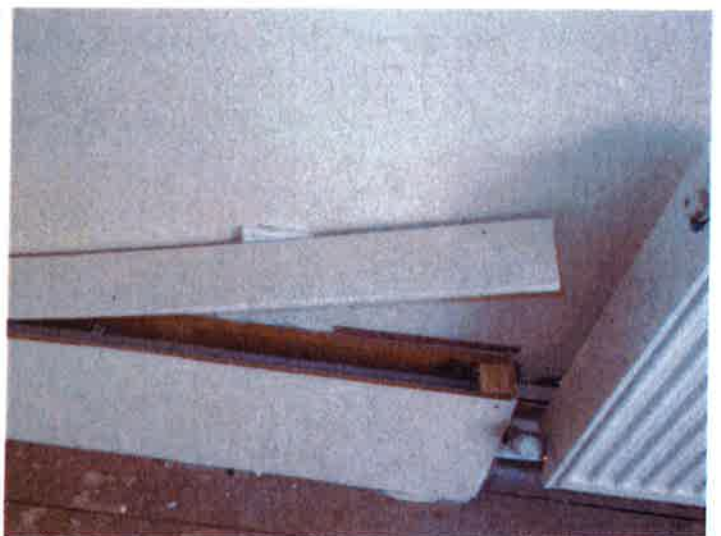
5. 1st floor room left large gap at Boxing under boiler



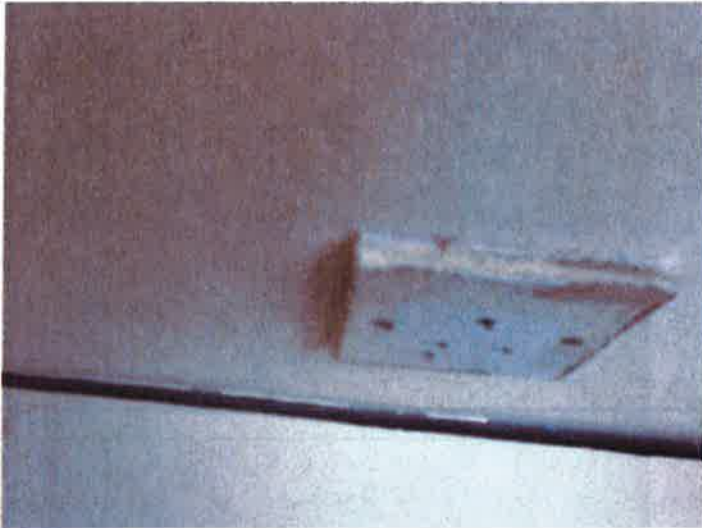
6. 1st floor room left Boxed pipes under boiler



7. 1st floor room left



8. 1st floor room right



9. Gap at boxing/wall 1st floor room right



10. 1st floor room right boxing not fixed to wall



11. GF meter cupboard - leaking waste pipe floor wet



12. GF hall light fitting loose and hole to ceiling



13. GF Hall - light fitting loose



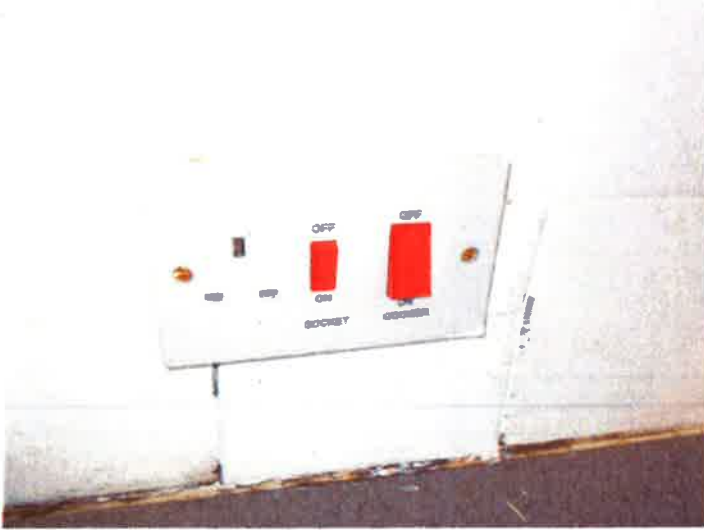
14. Bathroom - Repair to tiled wall above shower



15. Bathroom - repair to tiled wall above shower



16. Bath - gap at panel/sealant/wall



17. Kitchen - cooker point



18. Kitchen - socket cover



19. Front Elevation



20. GF Front window



21. GF front window



22. GF front window



23. GF Right - Base of external wall



24. Rear Garden - Rubbish



25. Additional rubbish against back wall in garden



26. Timber external cladding - rotten - Rear elevation at base



27. Rear elevation - timber cladding at base adjacent to gas meter



28. Rear Elevation



29. Rear gutter - choked with debris/vegetation



30. Front elevation - leaking gutters and downpipes



31. Hole in plaster GF hall at entrance to left



32. GF Cloaks external handle and lock



33. GF Hall - Pipe secure but hole in plasterboard wall



Tel

Paperwork submitted by Landlord following receipt of re-inspection report. - this is written representations of Landlord referred to in decision dated 29 May 2016 A Devanny

Reference: PRHP/RP/14/0168

Property Address: 39 Wallbrae Road South Carbrain Cumbernauld G67 2PD

Do you agree with the findings of the surveyor's report?

YES NO

If not, please give details:

- 1) Interpretation of the wording of RSE0
2) Commenting on gas when not gas safe registered

If there is a reason for not completing works, please advise us:

Interpretation of RSE0 by surveys and the subjectivity of whether something has been completed or not

If there is any other relevant information which you feel the Committee should know before making their decision, please give details:

We are going through the surveyor's report. A builder will be on site rectifying issues pointed out by surveyor on 13/14th March and photos will be supplied reminding what surveyor has picked up. PHOTOS to follow to present at hearing.

Signed [Signature]

Tenant [] Tenant's Representative []

Date 5.3.16

Landlord [x] Landlord's Representative []

YOU CAN CONTINUE ON A SEPARATE SHEET IF YOU WISH TO PROVIDE MORE INFORMATION



Reference: **PRHP/RP/14/0168**

Property Address: **39 Wallbrae Road
South Carbrain
Cumbernauld
G67 2PD**

Do you wish to request an Oral Hearing before the Committee?

YES NO

If you do not request an oral hearing, then it will be assumed that you wish the Committee to make a decision based on the written representation without a hearing.

Signed 

Tenant Tenant's Representative

Date 5.3.16

Landlord Landlord's Representative

*Photographs submitted by
Lanctonal - part of representation
referred to in decision*

Richards, Elena

From: ajay ahuja <ajayahuja71@googlemail.com>
Sent: 14 March 2016 17:18
To: YourApp
Subject: Fwd: Wallbrae 1a
Attachments: image.jpeg; image.jpeg; image.jpeg; image.jpeg

*dated 29 Mar 2016
A Devanny*

Follow Up Flag: Follow up
Flag Status: Completed

dear committee,

Please find pictures to be considered at the hearing for 39 wallbrae, cumbernauld G67. Can you print out for hearing as all works identified by surveyor have been carried out.

Ajay Ahuja

----- Forwarded message -----

From: Richard Matthews <ahujarepl@gmail.com>
Date: 2016-03-14 15:53 GMT+00:00
Subject: Wallbrae 1a
To: lettings <lettings@ahuja.co.uk>

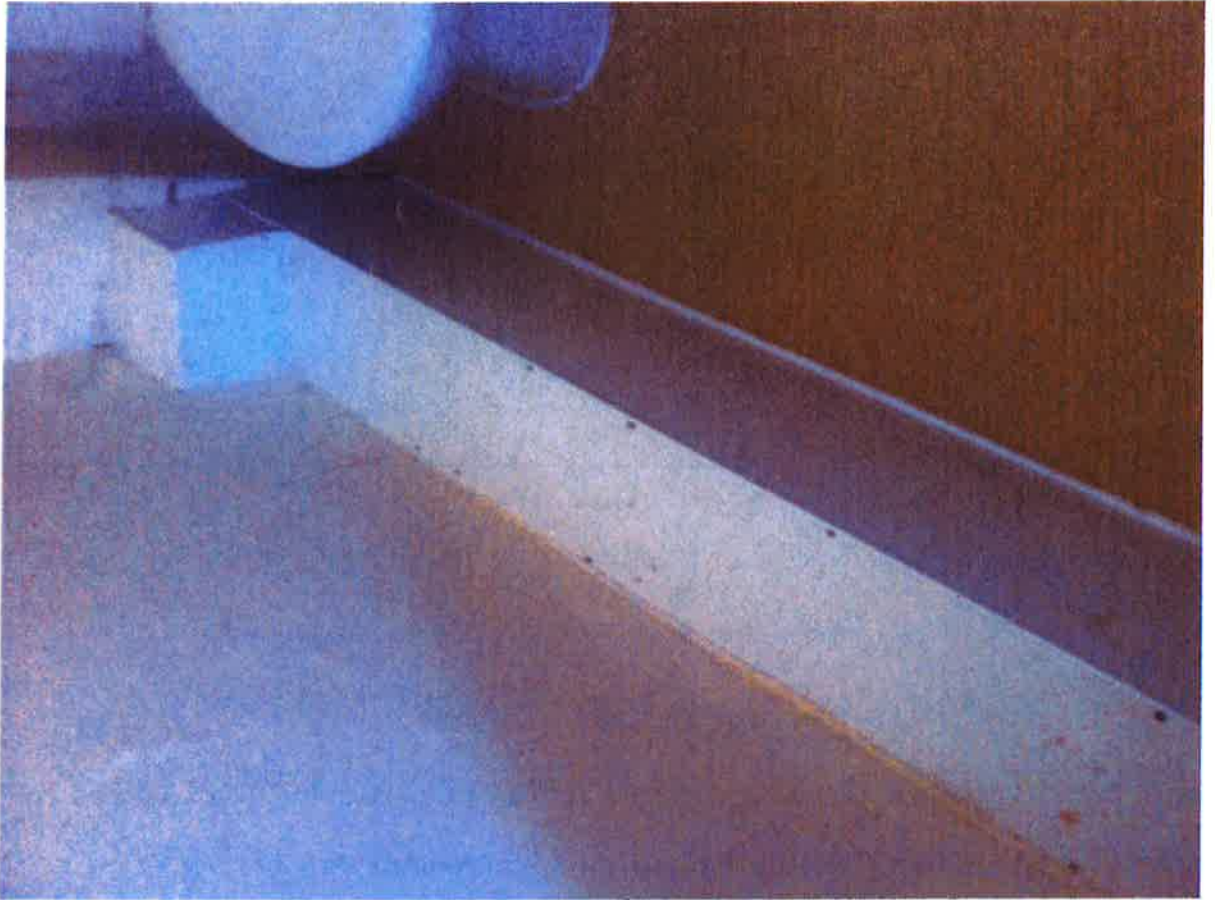
Richard Matthews
Ahuja Holdings
Tel: 07942500500
Email: lettings@ahuja.co.uk
Web: www.ahuja.co.uk

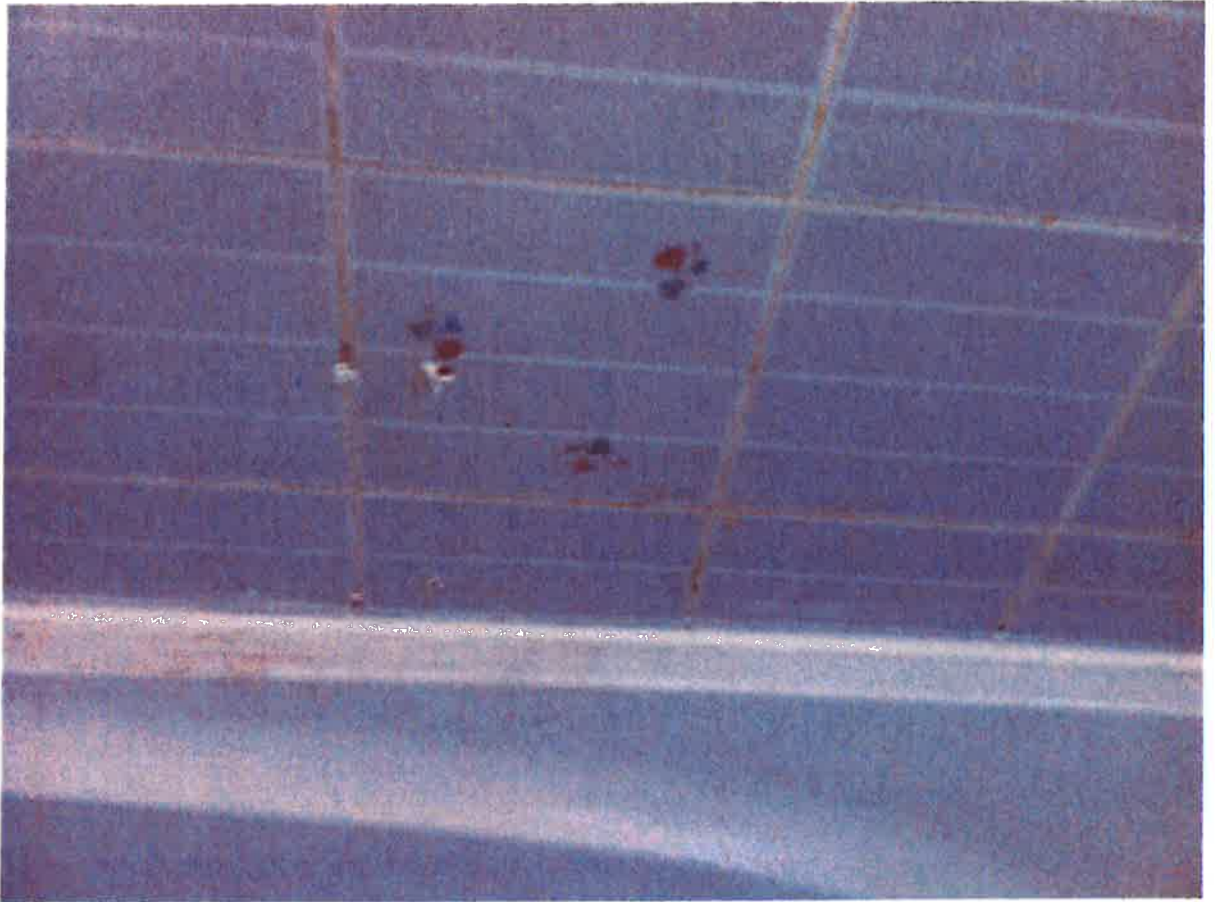
39 Wallbrae

All works were carried out that were highlighted in the surveyor's report even if not on the RSEO.

Pictures are in order of the report. The pictures are of work done post the surveyor's report to correct the issues highlighted even if they did not form part of the RSEO.









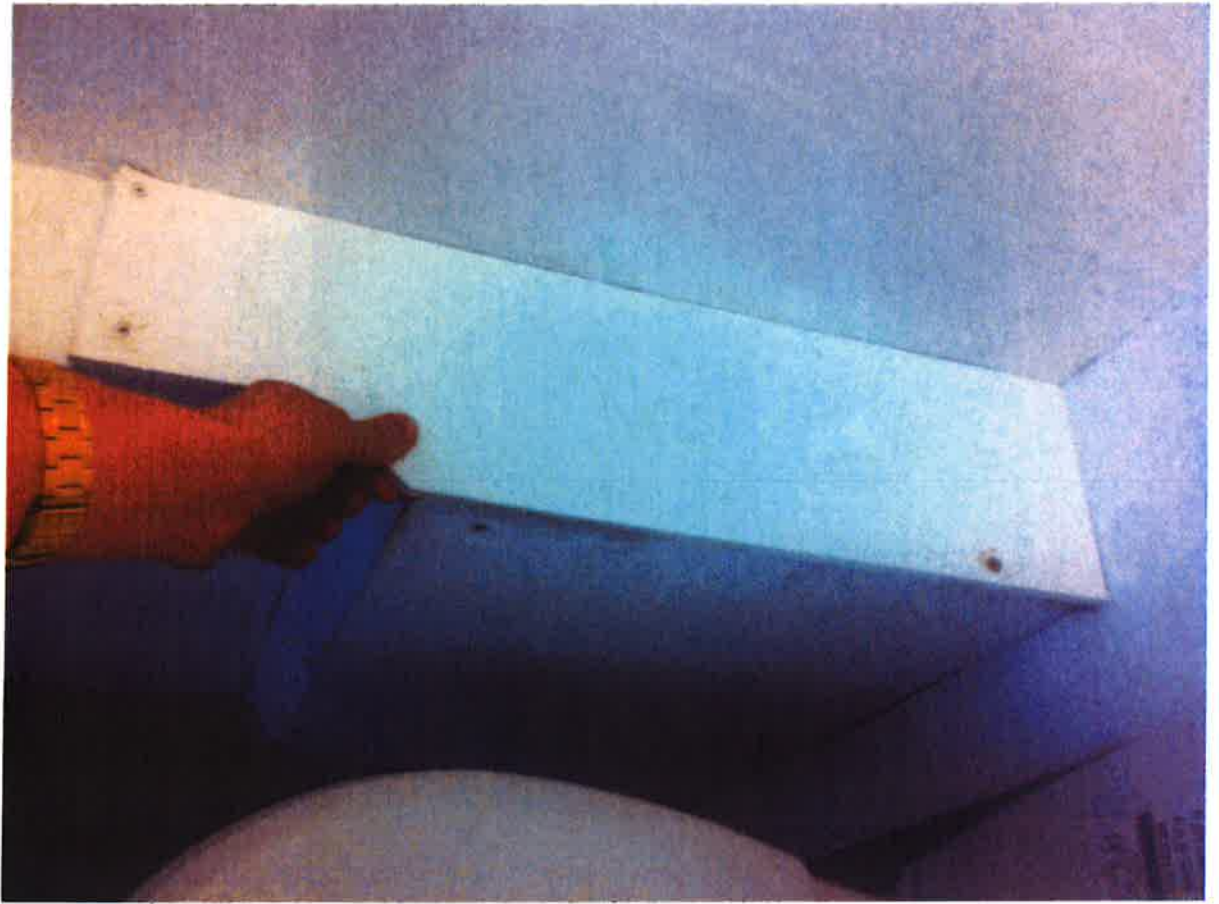
















Customer Inspection Report

*gas safe Inspector report
referred to in decision
dated 29 May 2016
A Devanny*



Elena Richards
The Scottish Government
450 Argyle Street
GLASGOW
G2 8LH

22/09/2015
Visit ID: 516012
Complaint ID: 51817
Complaint Description: Concerns over gas supply pipe location.

Gas work Inspection on 18/09/2015
39, Wallbrae Road, GLASGOW, G67 2PD

Dear Sir/Madam,

Our Inspector Terry Ralph was allowed to inspect gas work undertaken by Altech Heating & Cooling Solutions Limited, registration number 502004 at the above address.

The following items were inspected:

GAS SUPPLY

Our inspector found faults during the visit. These are listed below. Please see explanations at end of report to each defect severity.

Defects

1. The meter box has an unapproved hole cut in the top cover to allow the installation pipe to exit the surface mounted meter box from the top, which contravenes the industry bottom outlet instruction. The meter box should be repaired and the pipe should be routed from under the box into the property.

The gas supply defect was classified as **Not to Current Standards**.

This defect is the responsibility of the customer. Where applicable you should always use a Gas Safe registered business.

2. The copper installation pipe fouls the openable kitchen window which is able to damage the gas pipe when used. The gas installation pipe should be re-routed to avoid the kitchen window.

The gas supply defect was classified as **Not to Current Standards**.

This defect is the responsibility of the customer. Where applicable you should always use a Gas Safe registered business.

3. The copper gas installation pipe is not located correctly into the securing clips, external to the rear of the property. The installation pipe is also unsecure inside the first floor hallway compartments. The installation pipe must be secure along its full length and clipped at regular intervals. The sleeves around the copper gas pipe, as it passes through walls, provide minimum protection space; larger diameter pipe sleeves are recommended to allow for wall settlement/subsidence gas pipe protection from damage.

The gas supply defect was classified as **Not to Current Standards**.

This defect is the responsibility of the customer. Where applicable you should always use a Gas Safe registered business.

APPLIANCE 1. Boiler / Main / Eco Elite

Our inspector found faults during the visit. These are listed below. Please see explanations at end of report to each defect severity.

Defects

1. The manufacturer's installation instructions (including the Benchmark commissioning checklist/Logbook) must be left with the user in order to comply with the gas safety regulations (Reg 29).

The Boiler defect was classified as **Not to Current Standards**.

This defect is the responsibility of the customer. Where applicable you should always use a Gas Safe registered business.

2. Although the chimney flue has been extended, there are no securing brackets fitted; manufacturer's flue duct brackets must be installed. The wall surrounding the flue has not been fully or permanently sealed to secure the chimney and prevent the flue assembly becoming dismantled and to also prevent products of combustion (and weather) re-entering the property. (n.b. a building material e.g. sand/cement mix rather than expanding foam or silicone should be used) As the wall appears to be wooden combustible material the flue should be contained in a metal sleeve with a 10 mm air gap around the duct, and also, the outer wood panelled wall must be shielded with a non-combustible plate (unless manufacturer states not required, in writing).

The Boiler defect was classified as **Not to Current Standards**.

This defect is the responsibility of the customer. Where applicable you should always use a Gas Safe registered business.

3. A CO alarm is sitting loose on a shelf of the uninhabited property. The detector should be installed in the correct location with the fitting date marked up on the reverse.

The Boiler defect was classified as **Not Compliant with Building Regulations**.

This defect is the responsibility of the customer. Where applicable you should always use a Gas Safe registered business.

4. No room thermostat appears to be fitted in order to comply with Building Standard energy efficiency regulations for new boiler burner interlock (inefficient gas burner operation).

The Boiler defect was classified as **Not Compliant with Building Regulations**.

The defect identified falls outside Gas Safe Register's remit and we are therefore unable to pursue its correction.

Appliance Observations

This business (Altech) are not responsible for any installation issues. A further report (visit I.D. 517812) has been raised for the boiler installer i.e. 'A M D Plumbing and Tiling' (Mark Perryman 219997), to correct defects.

Supporting Information

This business are not responsible for the installation and were involved by being asked to issue a gas safety record subsequent to the installation. The installation operates safely but there are a number of issues which do not meet current standards. A new installation must meet all of the relevant standards and manufacturers' installation instructions. Further to the issues identified within this report, there are concerns regarding the appearance of the central heating water pipes e.g. plastic fittings and unsecured pipe routes: the complainant was reminded that only gas work could be considered by Gas Safe Register and that any report on the heating pipes should be from a qualified plumber.

If remedial work is to be carried out following our visit, please ensure it is completed by a Gas Safe Registered engineer who is competent in the areas of work to be undertaken. Should you require any further information, please contact us (the Gas Safe Register) on 0800 4085500 or the address at the bottom of this letter. Quoting Visit ID 516012 will help us to deal with your query more quickly.

We would like to thank you again for your co-operation.

Yours faithfully,
Terry Ralph
Inspector
Gas Safe Register®

Understanding the defect classifications used in this Report

1. Gas Defects

The gas engineer uses the Gas Industry Unsafe Situations Procedure (GIUSP) to classify the unsafe gas situation. There are three levels of risk depending on the severity of the gas safety concern. Depending on the category there will be different actions that the consumer will need to do. The categories are:

'Immediately Dangerous' (ID)

An "immediately dangerous" installation is one which, if operated or left connected to a gas supply, is considered to be **an immediate danger to life or property**.

The installation will be disconnected, with your permission, and must not be used until the necessary work has been carried out to repair the defect(s). If you continue to use an immediately dangerous installation you could be putting you or your family's lives in danger.

If you refuse the gas engineer permission to disconnect the installation or an individual appliance, they will report the situation to the Gas Emergency Service Provider (ESP). The ESP has legal powers to demand entry to make the situation safe or may disconnect the gas supply to the property.

'At Risk' (AR)

An "at risk" installation is where one or more recognised faults are present which **could constitute a danger to life or property** without further faults developing.

With your permission, the installation will be turned off and should not be used again until the fault has been repaired.

'Not to Current Standards' (NCS)

A "not to current standards" installation is one which does not meet with current standards, but is safe. You may however wish to improve the installation to meet current standards as this could improve the reliability and lifespan of the installation. If the installation has been carried out recently, you should contact the registered gas business that carried out the work to correct any identified faults. For older installations your gas engineer can advise you whether the installation should be brought in line with current standards.

Note: It is always a good idea to bring an installation up to current standards, but that will often depend upon whether the work can be undertaken at reasonable cost, or whether any other work is likely to be carried out on the installation in the near future, such as a replacement appliance.

2. Non-Gas Work Defects

This report may contain Non Gas Safety Defects that fall outside Gas Safe Register's remit and we are therefore unable to pursue correction. We have used accepted gas industry classifications (as above) to identify the severity and to assist you in prioritising the remedial work. We strongly recommend that you seek to have these defects rectified at the earliest opportunity. You should always use a Gas Safe registered business that is competent in the specific area(s) of work to be undertaken to carry out the rectification work.

3. Other Defects

Building Regulations Non-Compliance (BRNC)

There is a legal obligation for the technical and procedural requirements of the Building Regulations to be complied with. The notification of certain Building Services is a legal requirement under the Regulations in some geographical areas covered by Gas Safe Register. Gas Safe Register provides a facility by which registered businesses can notify Local Authorities of the self-certification of appropriate Building Services work. Where specific Building Regulations work has been notified to Gas Safe Register we will record such non-compliances identified during the course of our inspection in this report using a 'BRNC' classification. Where such non-compliance(s) is the responsibility of the business being inspected, we will ask them to rectify. Where the registered business fails to correct any non compliant work identified, we will advise your local authority who may invalidate the Building Regulation certificate issued.

DEFECT NOTICE

The Business: A M D Plumbing and Tiling (219997)
45, Hawthorn Road, KETTERING, Northamptonshire, NN15 7HS

Installation Address: 39 Wallbrae Road, Cumbernauld, G67 2PD

Inspection Date: 18/09/2015

Inspector: Terry Ralph

Inspection ID: 517812



Tick when complete:

GAS SUPPLY 1:

Severity: NCS

Rectify by: 08/10/2015

The meter box has an unapproved hole cut in the top cover to allow the installation pipe to exit the surface mounted meter box from the top, which contravenes the industry bottom outlet instruction. The meter box should be repaired and the pipe should be routed from under the box into the property.

Tick when complete:

GAS SUPPLY 2:

Severity: NCS

Rectify by: 08/10/2015

The copper installation pipe fouls the openable kitchen window which is able to damage the gas pipe when used. The gas installation pipe should be re-routed to avoid the kitchen window.

Tick when complete:

GAS SUPPLY 3:

Severity: NCS

Rectify by: 08/10/2015

The copper gas installation pipe is not located correctly into the securing clips, external to the rear of the property. The installation pipe is also unsecure inside the first floor hallway compartments. The installation pipe must be secure along its full length and clipped at regular intervals. The sleeves around the copper gas pipe, as it passes through walls, provide minimum protection space; larger diameter pipe sleeves are recommended to allow for wall settlement/subsidence gas pipe protection from damage.

Tick when complete:

APPLIANCE 1: Boiler / Main / Combi Eco elite

Defect ID: 6

Severity: NCS

Rectify by: 08/10/2015

The manufacturer's installation instructions (including the Benchmark commissioning checklist/Logbook) must be left with the user in order to comply with the gas safety regulations (Reg' 29).



Tick when complete:

APPLIANCE 1: Boiler / Main / Combi Eco elite
Defect ID: 7
Severity: NCS
Rectify by: 08/10/2015

Although the chimney flue has been extended, there are no securing brackets fitted; manufacturer's flue duct brackets must be installed. The wall surrounding the flue has not been fully or permanently sealed to secure the chimney and prevent the flue assembly becoming dismantled and to also prevent products of combustion (and weather) re-entering the property. (n.b. a building material e.g. sand/cement mix rather than expanding foam or silicone should be used) As the wall appears to be wooden combustible material the flue should be contained in a metal sleeve with a 10 mm air gap around the duct, and also, the outer wood panelled wall must be shielded with a non-combustible plate (unless manufacturer states not required, in writing).

*MAIN HAVE ADVISED THAT WOOD PANNELLING DOES NOT REQUIRE SHIELD
 AWAITING WRITTEN VERIFICATION*

You are required to rectify these defects by the date shown.

By ticking the above check boxes adjacent to each defect, A M D Plumbing and Tiling confirm that each defect has been completed by a Gas Safe Registered engineer who is competent in the areas of work undertaken. If you are aware of any defects on similar gas work you have undertaken then please ensure these are also rectified. All work undertaken to rectify these defects complies with the relevant standards, Gas Safety (Installation & Use) Regulations, the Rules of Registration. Sign and return this form to:
 Gas Safe Register, PO Box 6804, Basingstoke, RG24 4NB. Or email to: register@gassaferegister.co.uk

If there are outstanding defects this form may be photocopied and returned once these defects have been rectified.
~~MAIN HAVE ADVISED THAT~~

A M D Plumbing and Tiling (219997)
 45, Hawthorn Road, KETTERING, Northamptonshire, NN15 7HS

I confirm that the above defects were rectified by a Gas Safe Register Engineer license number
 219997 on Oct 8th 2015

Signature *[Handwritten Signature]*
 Date Oct 7th 2015

INSPECTION DETAILS

Business Trading Name: A M D Plumbing and Tiling
Business Ref. Number: 219997
Business Address: 45 Hawthorn Road
 KETTERING, Northamptonshire
Business Contact No.: NN15 7HS
Business Mobile:

Complaint ID:

Site Contact Name: Site Unoccupied
Address: 39 Wallbrae Road
 Cumbemauld
 G67 2PD

Phone No.:
Email:

DEFECT REPORT

Reference: 219997

Complaint ID:

Trading Title: A M D Plumbing and Tiling

Defect ID: 4

A CO alarm is sitting loose on a shelf of the uninhabited property. The detector should be installed in the correct location with the fitting date marked up on the reverse.

Severity

BRNC

Customer

Attributable To

FITTED

Defect ID: 5

No room thermostat appears to be fitted in order to comply with Building Standard energy efficiency regulations for new boiler burner interlock (inefficient gas burner operation).

BRNC

Severity

Non Gas Work

Attributable To

FITTED