

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 26(1) of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RT/16/0245

Title no: WGN3942

8 St.Stephens, Stoneykirk, Stranraer, DG9 9DQ being the subjects registered in the Land register of Scotland under Title Number WGN3942 ('The Property')

#### The Parties:-

Dumfries and Galloway Council, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD ('the Third Party Applicant')

Mrs Elizabeth Seabourne or Touray residing at 107, Sheuchan Street, Stranraer, DG9 0ES ('the former Landlord')

William Birkett and Tracey Waugh residing at 52 Main Street, Sandhead, Stranraer, DG9 9JQ ('the Landlord')

Agnes McIntyre residing at 8 St.Stephens, Stoneykirk, Stranraer, DG9 9DQ ('the Tenant')

The First-tier Tribunal for Scotland (Housing and Property Chamber), formerly the Private Rented Housing Committee, ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Andrew Taylor (Ordinary/ Surveyor Member).

#### Background

1. The Private Rented Housing Committee ('the Committee') issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property dated 30<sup>th</sup> September 2016 which required the Landlords to:-

*'1. Carry out a certificated electrical condition check (EICR) of the electrical installation by a suitably qualified and registered SELECT or NICEIC electrical contractor and carry out any required works. Provide a copy of the compliant EICR to the PRHP Committee.*

*2. Repair or replace the front and back doors to render them wind and water tight and in proper working order.*

*3. Repair or replace the kitchen cupboards and worktops to render them in proper working order.*

*4. Repair the leak to the W.C.*

*5. Replace the ceiling light fitting in the kitchen.*

*6. Clean the gutters to render them in proper working order.*

*7. Install:*

*7.1 One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.*

*7.2 One functioning smoke alarm in every circulation space, such as hallways and landings.*

*7.3 One heat alarm in every kitchen.*

*7.4 All alarms should be hardwired and interlinked and*

*7.5 One CO detector in every space containing a fixed combustion appliance.'*

2. The Committee ordered that the works specified in the RSEO were to be carried out and completed by 10<sup>th</sup> November 2016.
3. On 9<sup>th</sup> December 2016 the surveyor member of the Committee carried out an inspection of the Property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. He found that none of the required works had been completed. His inspection report has previously been exhibited to the parties.
4. On 1<sup>st</sup> December 2016 jurisdiction of the Private Rented Housing Panel passed to The Housing and Property Chamber of the First-tier Tribunal.
5. On 24<sup>th</sup> April 2018 the Ordinary member of the Tribunal carried out an inspection of the Property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. He found that the terms of the RSEO had been satisfactorily completed. His inspection report is annexed and executed as relative hereto.
6. The Tribunal Administration sent an email to the parties requesting their comments on the terms of the reinspection report. No response was received to that email.

### **Decision and Reasons**

7. The Tribunal were satisfied that the terms of the RSEO had been satisfactorily completed and therefore they determined:
  - 7.1 To certify that the terms of the RSEO had been completed and accordingly the RSEO was discharged and revoked and
  - 7.2 The Rent Relief Order dated 22<sup>nd</sup> February 2017 was revoked.
8. The decision of the Tribunal was a unanimous decision.

### **Appeals**

**A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only.**

**Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

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

J Taylor

Signed.....  
Chairperson

..... Date 28<sup>th</sup> May 2018



## Re-Inspection Report 2



**Property** – 8 St Stephens, Stoneykirk, Stranraer, DG9 9DQ

**Reference**- PRHP/RT/16/0245

**Surveyor** – Andrew Taylor, MRICS

**Previous Inspections** – Full Committee – 27th September 2016, Surveyor- 9<sup>th</sup> December 2016

**Re-inspection** – 11.00am, 24<sup>th</sup> April 2018

**Weather** – Dry, overcast

**In Attendance** – Agnes McIntyre, Tenant, Tracey Waugh, New Landlord

**Purpose of Re-inspection** - To establish if the work required under the Repairs Standard Enforcement Order had been completed.

**RSEO** – In terms of the RSEO issued on 30<sup>th</sup> September 2016 the Landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and in particular the following specific areas: -

1. Carry out a certificated electrical condition check (EICR) of the electrical installation by a suitably qualified and registered SELECT or NICEIC electrical contractor and carry out any required works. Provide a copy of the compliant EICR to the PRHP Committee.

2. Repair or replace the front and back doors to render them wind and watertight and in proper working order.
3. Repair or replace kitchen cupboards and worktops to render them in proper working order.
4. Repair the leak to the W.C.
5. Replace the ceiling light fitting in the kitchen.
6. Clean the gutters to render them in proper working order.
7. Install :
  - 7.1 One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.
  - 7.2 One functioning smoke alarm in every circulation space, such as hallways and landings.
  - 7.3 One heat alarm in every kitchen.
  - 7.4 All alarms should be hardwired and interlinked and
  - 7.5 One CO detector in every space containing a fixed combustion appliance.

#### **Works In RSEO Carried Out**

1. A certificated electrical condition check (EICR) of the electrical installation has been carried out by a suitably qualified electrical contractor. A copy of the compliant EICR has been provided to the PRHP Committee.

2. The front and back doors have been made wind and watertight and are in proper working order. Replacement doors are on order.
3. Kitchen cupboards and worktops have been replaced
4. A new W.C. suite has been provided
5. Ceiling light fitting in the kitchen has been replaced.
6. Gutters have been cleaned and are in proper working order.
7. Suitable Fire and Carbon Monoxide detection equipment has been provided.

**Works In RSEO Outstanding**

**Nil**

**Photographs**



**Back Door - April 2018**



**CO Detector Boiler Cupboard- April 2018**



New Kitchen cupboards/worktops - April 2018



New Kitchen cupboards/worktops – April 2018





**New light fitting in kitchen and heat detector – April 2018**



**New WC Suite – April 2018**



Gutters – April 2018

#### **Comments**

This Report will be distributed to the landlord and third party, Dumfries and Galloway Council for comments and will be referred to the Tribunal of the Housing and Property Chamber, First-tier Tribunal For Scotland for their consideration and further action.

**Andrew Taylor MRICS**

**Surveyor Member, Housing and Property Chamber, First-tier Tribunal For Scotland**

**25th April 2018**