

# Housing and Property Chamber First-tier Tribunal for Scotland

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## 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).**

### Case Reference

**FTS/HPC/RT/18/1192**

**Mr and Mrs William Thomson, 7 Spinney Court, Locharbriggs, Heathhall, Dumfries, DG1 1XN per her Attorneys Sharron Knight and Lesley Fuentes (“the Tenant”)**

**Ms Annie McCormick, The Orchard, Amisfield, Dumfries, DG1 3LW per her Attorney Peter Murray (“the Landlord”)**

**Strategic Housing Services, Dumfries and Galloway Council, Council Offices, Buccleuch Street, Dumfries, DG1 2AD (“the Third Party Applicant”).**

**7 Spinney Court, Locharbriggs, Heathhall, Dumfries, DG1 1XN registered under Title Number DMF4865 (“the Property”).**

Tribunal Members: Martin McAllister (Legal Member) and Donald Wooley, chartered surveyor, (Ordinary Member)

### **Background:**

1. On 13<sup>th</sup> August 2018 the First-tier tribunal for Scotland Housing and Property Chamber) made a repairing standard enforcement order (RSEO) in respect of the House. The members of the tribunal dealing with the matter are Martin J. McAllister, solicitor, legal member and Donald Wooley, chartered surveyor, ordinary member.
2. The RSEO was in the following terms:

**(1) Instruct a suitably qualified contractor to inspect the ridge tiles and chimney head, in order to identify and report on the cause of the damp**

**staining within the roof void and detail the extent of any necessary remedial action. Thereafter the contractor should complete all necessary repairs to remedy the dampness and any associated defects. (Sections 13 (1) (a) and 13 (1) (b) of the 2006 Act).**

**(2) Renew or repair all sections of decayed timber fascia boarding at the front porch projection and redecorate as necessary. (Section 13 (1) (b) of the 2006 Act).**

**(3) Remove all debris and vegetation from the rain water goods and ensure that they are returned to good working order and free from defects. (Section 13 (1) (b) of the 2006 Act).**

**The Landlord required to comply with the repairing standard order by 30<sup>th</sup> September 2018.**

- 3. On 24<sup>th</sup> October 2018 the Ordinary Member of the tribunal inspected the House and a copy of his report with relevant photographs is attached.**
- 4. The report discloses that, at the time of inspection, some of the works required by the RSEO had been completed and some had not been completed.**
- 5. A copy of the re-inspection report was sent to the Landlord who subsequently provided written information and supporting documents with regard to items in the RSEO which had been .**
- 6. One matter which had not been dealt with was the clearing of debris and vegetation from the rainwater goods. Parties were asked to provide confirmation on this matter and, on 2<sup>ND</sup> September 2019, the Tenant confirmed that the work had been done.**
- 7. The tribunal considered matters and determined that, based on the findings of the ordinary member from his inspection on 13<sup>TH</sup> August 2018 and the subsequent documentation provided to the Tribunal, the House meets the repairing standard.**
- 8. 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.

9th September 2019

*This is the reinspection report  
referred to in Decision  
dated 4th September 2019*

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



**First-Tier Tribunal for Scotland  
(Housing and Property Chamber)  
Re-inspection report**



**Property** 7 Spinney Court, Heathhall, Dumfries, DG1 1XN

**Ref No:** FTS/HPC/RT/18/1192

**Surveyor:** Donald Wooley MRICS

**Previous inspection**

The subject property was previously inspected on 10<sup>th</sup> August 2018 by the First-tier Tribunal for Scotland (Housing Property Chamber) and as a result, a Repairing Standard Enforcement Order was served on 13<sup>th</sup> August 2018.

**Access:**

A re-inspection of the subject property was arranged for Wednesday 24<sup>th</sup> October 2018 at 10.00 am. I arrived at the property at the appointed time. Also in attendance were Sharron Knight (Power of attorney on behalf of the tenants), Mr and Mrs Thomson (the tenants), Mr Peter Murray (Power of attorney on behalf of the landlord, Mrs McCormack) and Paul Walsh of "Securigroup"

Weather conditions at time of inspection were dry and overcast

I left the property at 10.30 am and confirmed my departure with Housing Property Chamber administration, 3 Atlantic Quay, 20 York Street Glasgow.

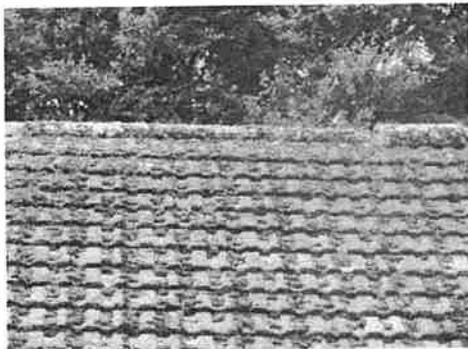
### Purpose of re-inspection

The purpose of this re-inspection was to determine if the required works as detailed under the Repairing Standard Enforcement Order had been completed.

### Work required under the Repairing Standard Enforcement Order:

**The following works were required to be completed by the landlord in accordance with the Repairing Standard Enforcement Order (RSEO):**

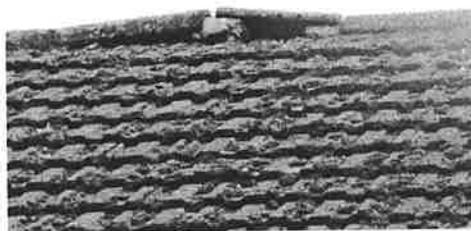
- (1) Instruct a suitably qualified contractor to inspect the ridge tiles and chimney head, in order to identify and report on the cause of the damp staining within the roof void and detail the extent of any necessary remedial action. Thereafter the contractor should complete all necessary repairs to remedy the dampness and any associated defects. (Sections 13 (1) (a) and 13 (1) (b) of the 2006 Act).



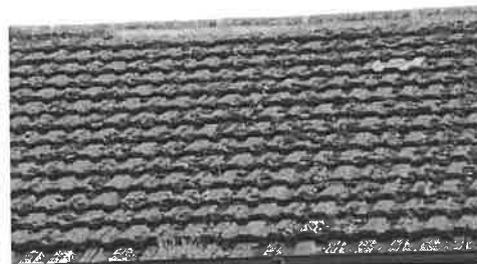
Front ridge tiles 10 August 2018



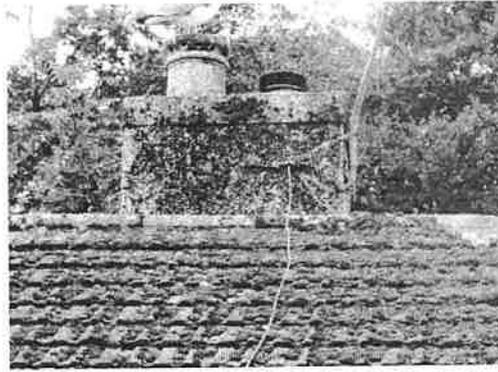
Front ridge tiles 24 October 2018



Rear ridge tiles 10 August 2018



Rear ridge tiles 24 October 2018



Chimney head 10 August 2018



Chimney front 24 October 2018



Chimney rear 24 October 2018



Staining at chimney –dry  
10 August 2018



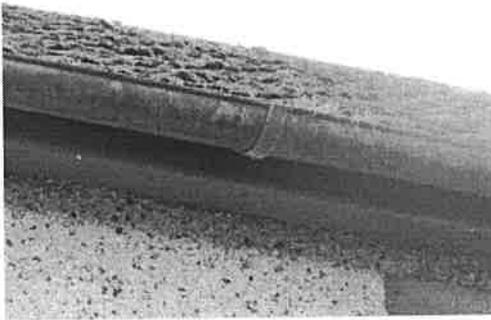
Staining at chimney – dry  
24 October 2018

- (2) Renew or repair all sections of decayed timber fascia boarding at the front porch projection and redecorate as necessary. (Section 13 (1) (b) of the 2006 Act).

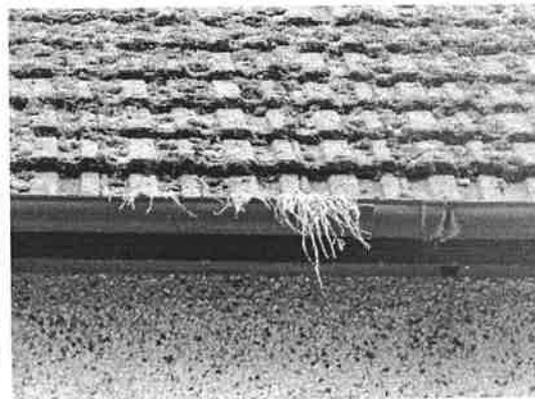


Front porch fascia 10 August 2018    Front porch fascia 24 October 2018

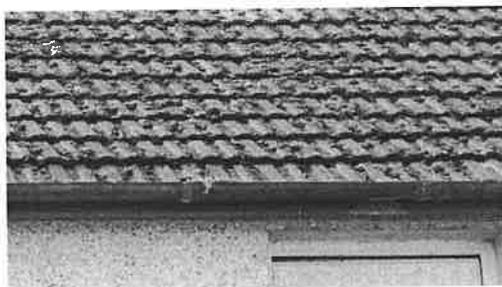
- (3) Remove all debris and vegetation from the rain water goods and ensure that they are returned to good working order and free from defects. (Section 13 (1) (b) of the 2006 Act).



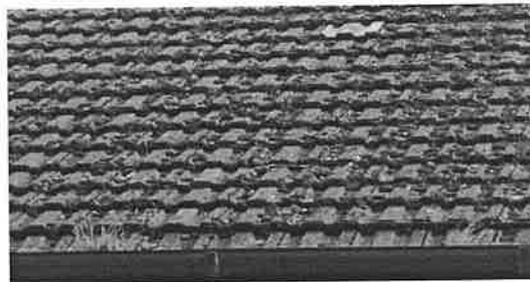
Front gutters 10 August 2018



Rear gutters 10 August 2018



Front gutters 24 October 2018



Rear gutters 24 October 2018

**Site Observations:**

- (a) The previously raised ridge tiles, as viewed from both front and rear, have been levelled, repaired and realigned with the remainder of the ridge.
- (b) The brick chimney has been re-rendered externally.

- (c) Within the roof space the timbers surrounding and adjacent to the chimney flue were tested and established to be dry. Old damp staining remains in the attic although this is also dry.
- (d) The defective sections of fascia boarding at the front porch projection have been renewed.
- (e) Vegetation debris remains in the eaves gutters on both the front and rear elevations.

### **Outstanding Repairs:**

The Repairing Standard Enforcement Order (RSEO) states that the landlord should instruct... "a suitably qualified contractor to inspect the ridge tiles and chimney head, in order to identify and report on the cause of the damp staining"... The necessary works to this area appear to have been completed although no "inspection report" detailing the extent of the work required has been exhibited as verification.

Vegetation debris remains present in both the front and rear eaves gutters.

### **Other Issues:**

The original inspection, undertaken on 10 August 2018 was completed following a prolonged period of dry warm weather. More recently, prior to the inspection date there has been significant rainfall. I would re-affirm that there is no sign of recent water ingress below the ridge tiles or around the recently re-rendered chimney head.

### **Comments:**

This report will be passed to the parties for comment before being submitted to the First-tier Tribunal for Scotland (Housing Property Chamber) for their decision.

Donald Wooley MRICS  
Ordinary Member  
First-Tier Tribunal for Scotland  
24 October 2018