

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 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/18/2946

Title no: REN89837

29B Orchard Street, Renfrew, PA4 8RJ being the subjects registered in the Land Register of Scotland under Title Number REN89837 ('The Property')

The Parties:-

Claire Wales or Morrison residing formerly at Flat 2/2, 2327 Dumbarton Road, Glasgow, G14 0NL and now at Flat 2/2, 4 Ashton Gate, Lenzie, G66 3ET ('the Original Landlord')

Miss Ylli Pashko residing at 28 Morion Road, Glasgow, G13 2HB ('The Current Landlord')

Nicola Delaney residing at 29B Orchard Street, Renfrew ('the Original Tenant').

Mr and Mrs Rito residing at 29B Orchard Street, Renfrew, PA4 8RJ ('The Current Tenants')

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Nick Allan (Ordinary Member).

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlord to:-

1. Repair the dampness at the following locations in the Property to render the Property water tight:

1.1 **Living Room** - The internal wall between the Living room and the bedroom which was found to be saturated with dampness to a height of approximately 0.4 metres at the corner near to the bay window.

1.2 **Bathroom** - The party wall of the bathroom behind the whb + wc which was found to be saturated with dampness to a height of approximately 1.5 metres. The section of reinforced beam above and facing the bath which was also found to be saturated with dampness

1.3 Dining/Kitchen -

- a) The lower right hand side of the cupboard housing the boiler;
- b) The corner section of the party wall to the right of the old fireplace, and the section of the dividing wall between the dining/kitchen and bathroom above the new plasterwork at a height of approximately 1.5 metres;
- c) The wall section immediately to the right of the doorway into the utility room.

1.4 Hall Cupboard - The internal wall between the hallway cupboard and the close to a height of approximately 1.5 metres.

2. Repair the broken double socket in the kitchen to render it in proper working order.
3. Make secure any loose sections of the kitchen flooring.
2. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 15th March 2019, which was subsequently extended to 30th December 2019 and thereafter to 30th August 2020 and finally to 15th October 2020.
3. The Tribunal had previously determined that item 3 of the RSEO had been satisfactorily completed.
4. The Original Tenant had vacated the Property and the Current Tenants were residing in the Property.
5. The Current Landlord is heritable proprietor of the Property.

6. Inspections

First Inspection

The Tribunal had inspected the Property on 6th February 2020 for the purpose of ascertaining whether the outstanding repairs required by the RSEO had been completed. A hearing was held following that inspection and the Tribunal found as follows:

1. The repairs to remedy the dampness in the Property specified the first sentence of paragraph 1.2 of the RSEO 'The party wall of the bathroom behind the whb + wc which was found to be saturated with dampness to a height of approximately 1.5 metres' had been satisfactorily completed.
2. The repairs to remedy the dampness in the Property specified in clauses 1 and 2 of the RSEO had not been carried out, with the exception of the specified the first sentence of paragraph 1.2 of the RSEO . The dampness levels remain high in these areas, as explained in the said reinspection report.

3. The dampness found at the reinspection was embedded dampness.
4. The double socket in the kitchen had been replaced but the surrounding plaster had not been finished properly rendering the socket unsafe and not in proper working order.

Final Inspection

The Tribunal had inspected the Property on 17th September 2021 for the purpose of ascertaining whether the outstanding repairs required by the RSEO had been completed. The reinspection report is annexed and executed as relative hereto. The Current Landlord was sent a copy of the reinspection report and they confirmed to the tribunal administration that they agreed with the terms of the report.

7. Decision

The Tribunal are satisfied that items 1, 2 and 4 of the RSEO have been satisfactorily completed and determined to certify that the terms of the RSEO have been completed.

8. The decision of the Tribunal was unanimous.

9. 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.

Signed.....
Chairperson

J Taylor

.....Date 2 November 2021

Housing and Property Chamber
First-tier Tribunal for Scotland



3rd Re-inspection - Photograph Schedule
29B Orchard Street, Renfrew, PA4 8RJ

Case Reference: FTS/HPC/RP/18/2946

Date of inspection: 17/09/2021

Time of inspection: 10.00 am

Weather conditions: Dry and bright

Present: Mrs Jacqui Taylor – Legal Member
Mr Nick Allan – Ordinary Member
Miss Ylli Pashko - Landlord
Mr and Mrs Rito - Tenants



Photo 1 – Front elevation

Requirement of the RSEO dated 24th January 2019:

The Landlord is required to:-

1. Repair the dampness at the following locations in the property to render the Property water tight:

1.1 Living Room – The internal wall between the Living Room and the bedroom which was found to be saturated with dampness to a height of approximately 0.4 metres at the corner near to the bay window.

3rd Re-inspection findings

No dampness readings of any consequence were recorded at this location. Photo 2 below refers.

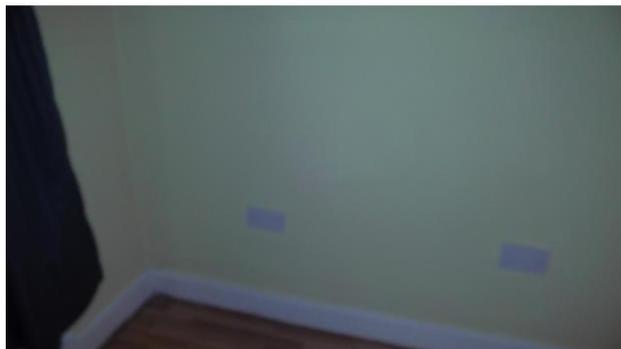


Photo 2 – Living room wall section

1.2 Bathroom – The party wall of the bathroom behind the whb + wc which was found to be saturated with dampness to a height of approximately 1.5 metres. The section of reinforced beam above and facing the bath which was also found to be saturated with dampness.

3rd Re-inspection findings

No dampness readings were obtained from the wall section behind the whb + wc.

At the previous inspection it was noted that this wall section had been fitted with a damp membrane and wet wall finish. Photo 3 below refers.



Photo 3 – Bathroom wet wall section

No dampness readings of any consequence were recorded on the ceiling beam section above and facing the bath unit.



Photo 4 - Inner beam section

1.3 Dining/Kitchen –

- a) The lower right hand side of the cupboard housing the boiler;

3rd Re-inspection findings

No dampness readings were obtained at this location. Photo 5 below refers.



Photo 5 – Boiler cupboard

- b) The corner section of the party wall to the right of the old fireplace, and the section of the dividing wall between the dining/kitchen and bathroom above the new plasterwork at a height of approximately 1.5 metres;

3rd Re-inspection findings

No dampness readings of any consequence were obtained at this location. Photo 6 below refers.

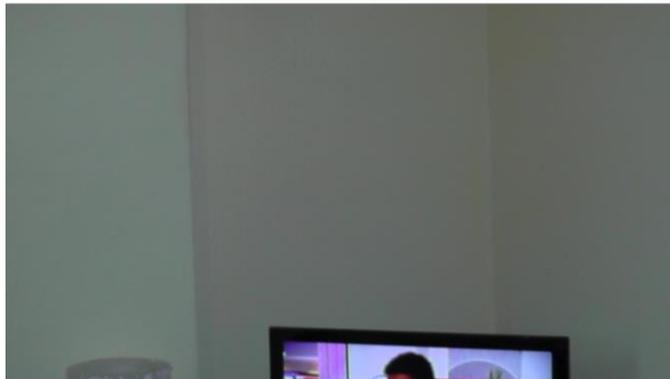


Photo 6 – Corner section of party wall

- c) The wall section immediately to the right of the doorway into the utility room.

3rd Re-inspection findings

No dampness readings were obtained at this location. Photo 7 below refers.

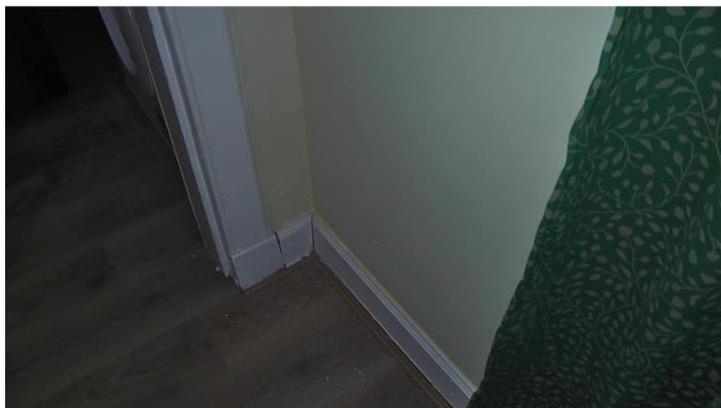


Photo 7 – Wall section at utility room doorway

1.4 Hall Cupboard – The internal wall between the hallway cupboard and the close to a height of approximately 1.5 metres.

3rd Re-inspection findings

It was noted that the hallway cupboard had been box-framed. No dampness readings were obtained from within the cupboard. Photo 8 below refers.

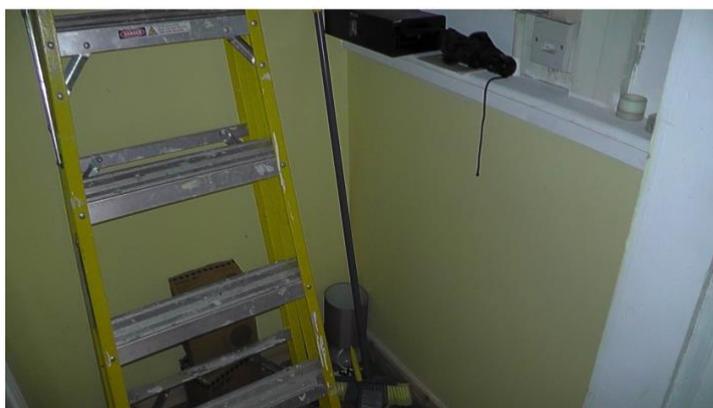


Photo 8 – The box-framed hallway cupboard

2. Repair the broken double socket in the kitchen to render it in proper working order.

3rd Re-inspection findings

It was noted that the socket and the hole in the wall had now been made good.

3. Make secure any loose section of the kitchen floor.

3rd Re-inspection findings

As noted at previous re-inspections, the affected section of floor has been made secure.

Nick Allan FRICS
Surveyor – Ordinary Member
First-tier Tribunal
Housing and Property Chamber – 30 September 2021

2. Repair the broken double socket in the kitchen to render it in proper working order.

3rd Re-inspection findings

It was noted that the socket and the hole in the wall had now been made good.

3. Make secure any loose section of the kitchen floor.

3rd Re-inspection findings

As noted at previous re-inspections, the affected section of floor has been made secure.

Nick Allan FRICS
Surveyor – Ordinary Member
First-tier Tribunal
Housing and Property Chamber – 30 September 2021