



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: prhp/rp14/0054

Re : Property at 16A Shaftesbury Place, Dundee Angus DD2 1JX being All and Whole the westmost house on the first floor at 16A Shaftesbury Place, Dundee, referred to in the Feu Disposition to Judith Alison Wallace recorded in the General Register of Sasines for the county of Angus on 21 July 1993 (“the Property”)

The Parties:-

Miss Dawn Fieldsend, 16A Shaftesbury Place, Dundee, Angus DD2 1JX (“the former Tenant”)

Mr John Downes c/o Struan Baptie Property Management Ltd., 1A Victoria Road, Dundee DD1 1EL (“the Landlord”)

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 4 July 2014 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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

In witness whereof these presents type written on this and the preceding page are executed by Judith V Lea, solicitor, chairperson of the Private Rented Housing Committee at Cupar on _____ before this witness:-

A Finnie

witness

J Lea

chairman

Alan Finnie
Cupar
Fife



**Statement of facts and reasons for
Decision to grant Certificate of completion of work
Under section 60 of the Housing (Scotland) Act 2006**

prhp Ref: prhp/rp14/0054

Re : Property at 16A Shaftesbury Place, Dundee Angus DD2 1JX being All and Whole the westmost house on the first floor at 16A Shaftesbury Place, Dundee, referred to in the Feu Disposition to Judith Alison Wallace recorded in the General Register of Sasines for the county of Angus on 21 July 1993 (“the Property”)

The Parties:-

Miss Dawn Fieldsend, 16A Shaftesbury Place, Dundee, Angus DD2 1JX (“the former Tenant”)

Mr John Downes c/o Struan Baptie Property Management Ltd., 1A Victoria Road, Dundee DD1 1EL (“the Landlord”)

Statement of facts and reasons.

Background

1. On 4 July 2014, the Private Rented Housing Committee comprising of Judith Lea, Chairman and Legal Member; Geraldine Wooley, Surveyor Member; and David Hughes Hallett, Housing Member issued a decision requiring the Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 1 July 2014.
2. On 21 November 2014, the surveyor member of the Committee re-inspected the property. Struan Baptie, property manager and Landlord’s agent, was present.
3. The surveyor member noted that an inspection of the roof had been carried out and the cause of the water ingress had been identified. No works had yet been undertaken. The surveyor member was told that the top floor owner now acknowledges that the disrepair to their windows is the prime cause of water ingress to the property. The Landlord’s agent also informed the surveyor member that all the owners in the block were now prepared to agree to and pay for the works required and that the following works have been identified:-

- Scaffolding to be erected to both elevations of the building and across the roof

- Roof and gutters to be repaired or replaced where required (estimated cost £30000 +)
 - Repair/replacement of windows to top floor flat
 - The owner of 16A will at the same time ensure that the windows of the property are repaired or replaced to meet the requirements of the RSEO.
4. In the circumstances, given the extent and cost of the work required and the Landlord's agent's estimate that the work could not be completed until late February/March 2015, the Committee considered it reasonable to allow the Landlord until 31 March 2015 to comply with the terms of the Repairing Standard Enforcement Order and Varied the Order accordingly.
 5. The Landlord sent an email on 11 May 2015 to advise that the problem with the water leakages into the property had been partially caused by the installation of PVC windows in the neighbour's property above. As a result the property had flooded twice. His insurers have confirmed that the windows were the cause of the damage. His agent's surveyor also confirmed this.
 6. In relation to the roof repairs, the Landlord confirmed that all the other owners (apart from the upstairs neighbour) had agreed to pay for the roof repairs. Quotations had been obtained and the Council had agreed to mediate.
 7. The Landlord confirmed the property had not been re-let and that due to the non-cooperation of the upstairs neighbour, no work had been done.
 8. The Committee accordingly allowed a further three months for the work to be done.
 9. On 27 August 2015 the Landlord sent in a letter advising that it had taken some time to get all the neighbours to cooperate but the roofer had now been appointed to carry out the repairs and deal with a number of problems caused by loose pipes and guttering. The Landlord advised that he was also to arrange to have the windows sealed and painted and that the work was due to start in the first week of September. The Landlord also confirmed in the letter that he did not intend to re-let the property and was going to put it up for sale.
 10. In the circumstances on 1 September 2015 the Committee considered it reasonable to allow a variation to give the Landlord a further three months for the work to be completed provided that the Landlord provided a copy of the specification for the works and a receipted invoice prior to the next inspection.
 11. In February 2016, the Private Rented Housing Committee enquired of the Landlord as to what progress had been made in respect of the matter. The Landlord replied on 10 February 2016 advising that there continued to be a small inundation caused by the rotting windows of the upstairs neighbours. The Landlord advised that the upstairs neighbour was the subject to litigation by the roofer that repaired the roof for the co-owners. The Landlord advised that he is required to await that outcome. The Landlord also advised that he is seeking the Council's help in enforcing the neighbour to mend the rotting windows. The Landlord was accordingly unable to give a final date for completion for the repair. The Landlord confirmed that there had not been a Tenant in the property since September 2014 and that he had no intention of leasing out the flat. He indicated that once the repairs were completed it was his intention to sell the property.
 12. In the circumstances, the Committee considered that it was reasonable to further vary the Repairing Standard Enforcement Order to allow the Landlord a period of a further six months in order to have the repair completed. The Committee considered that in the circumstances the Landlord was doing his best and noted that he had no intention of re-letting the property. The Committee accordingly varied the Repairing Standard Enforcement Order to allow the Landlord until 15 August 2016 to undertake the outstanding repairs.
 13. On 1 September 2016 the surveyor member of the Private Rented Housing Committee re inspected the property and found as per the reinspection report which is attached to this decision. Given all the work which has been carried out at the property, the Committee is now satisfied that the landlord has complied with all aspects of the Repairing Standard Enforcement Order dated 1 July 2014.
 14. The Committee accordingly determined to grant a Certificate of Completion

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

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

Signed **J Lea** Date..... **7/9**2016
(Judith V Lea, Chairperson)



PRHP Re-inspection report

Property: 16A Shaftesbury Place Dundee DD2 1JX
Ref no: prhp/rp/14/0054
Surveyor : Geraldine Wooley MRICS
Access: 10.00am 1 Sept. 2016: Sunny and dry
Attendee: Mr Struan Baptie, landlord's agent

RSEO: works required

- 1). Investigate and rectify the source of water ingress to the front bedroom and living room, including inspecting the roof and cleaning the gutters if necessary
- 2). Repair/replace the external window sills and replace the packing between the external window frames and wall outside the front bedroom and living room.

Works in RSEO undertaken: as reported following the inspection of 21/11/14, the landlord had identified the cause of the water ingress as disrepair to the windows in the flat above, and had specifications and estimates drawn up.

However, delays to the work occurred as other owners in the block (specifically the owner in the flat above) disputed payment for the work. Eventually the work was carried out and apparently completed by May 2016. However, prior to reinspection, the landlord reported further ingress of water, so the Committee agreed to delay the reinspection until 31/08/16 to allow the landlord time to ascertain whether the works were effective.

At the time of reinspection on 1/09/16, it was found that:

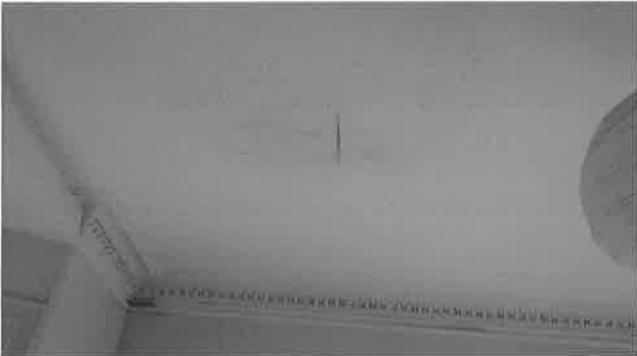
- 1). No signs of water ingress were apparent in either the front bedroom or living room. Both ceilings are now clear of water stains (see photos 1a to 1d), and despite being empty and on the market and for some time, there was no evidence of damp or mildew in the property.
- 2) All windows to the front bedroom and living room have been overhauled and externally redecorated. The external sills are in acceptable condition, and the packing between the frames and walls replaced, sealed and decorated (photos 2a to d). It would appear that the windows are now wind and watertight.

No works in RSEO outstanding

APPENDIX – PHOTO REPORT

1) Evidence of successful resolution of the problem of ingress of water from the roof/windows of the top floor flat

1a) 21/11/14: water damage to ceiling and cornice in living room



1b) 1/09/16: no evidence of water ingress. Ceiling made good and redecorated



1c) 21/11/14: Ceiling to front bedroom
Water stains close to light fitting



1d) 1/09/16 Ceiling to front bedroom
No signs of water and redecorated.



APPENDIX – PHOTO REPORT cont.

2. Repairs to windows

2a) Condition of windows at 21/01/14.
Gaps between frame and wall with
exposed packing (living room)



2b) Condition of windows at 1/09/16
Gaps sealed and redecorated (living room)



2c) 1/09/16 Bedroom window
Gaps sealed and redecorated



2d) 1/09/16: Dirty but sound condition
of living room window sill

