

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

Variation of RSEO: Housing (Scotland) Act 2006 Section 25

Reference number: -prhp/ RP/16/0144

Re: Property at 3 Top Left, Arklay Street, Dundee DD3 7LH (“the property”)

Land Register Number - ANG9400

Application received from Mrs Gail Fraser, 3 Top Left Arklay Street, Dundee DD3 7LH (“the Former Tenant”)

Mr Iain Ritchie and Mrs Elizabeth Ritchie, 7 Muirfield Road, Cumbernauld G68 0EX represented by Mark Cannings of PLPO and local agent Barry Gray (“the Landlord”)

Background

The Private Rented Housing Panel issued a Repairing Standard Enforcement Order on 26 August 2016 in the under noted terms.

- 1. Repair/replace the kitchen units and worktops to ensure they are in a reasonable state of repair and are stable and safe.*
- 2. Repair/replace the floor coverings throughout the property to reduce the trip hazard.*
- 3. Inspect and repair/replace seals and double glazing units where appropriate to ensure they are in a reasonable state of repair.*
- 4. Clean the gutters, remove plant growth and ensure that the external rainwater goods are in a reasonable state of repair and in proper working order.*
- 5. Repair/replace worktop surround and seal at the kitchen sink ensure hygienic use.*
- 6. Provide an up to date Electrical Installation Condition Report from a NICEIC or ECA registered contractor to show that the electrics in the property are in proper working order and to include functional testing of the cooker and the heating and removal of any appliances not in working order.*

The Private Rented Housing Committee ordered that the works specified in the Order be carried out and completed within a period of 3 months from the date of service of the Order.

With effect from 1/12/2016 the Private Rented Housing Panel has been incorporated into the First-tier tribunal for Scotland (Housing and Property Chamber) (“the tribunal”).

The surveyor member of the tribunal re inspected the property on 24/3/2017 and

found as per the re inspection report attached to this decision. This report was served on the landlord and no response was forthcoming. The tribunal then wrote to the landlord inviting a request for a variation of the order given that work is ongoing and requesting a copy of the ECIR. The Landlord provided a copy of an up to date ECIR. In the circumstances the Tribunal agreed to allow a further period until the end of June for the landlord to complete the outstanding works.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 Lea 19/5/17
Chairperson

Housing and Property Chamber First-tier Tribunal for Scotland



Re-inspection report

Property: 3 Top Left Arklay St Dundee DD3 7LH
Ref no: prhp/rp/16/0144
Surveyor : Geraldine Wooley MRICS
Access: 24/03/17 at 2pm
Weather – fine and dry
Attendees: Barry Gray – letting agent
Mark Ritchie from PLPO (registered landlord and managing agent)



General comments: work was started at the property, but delayed due to a break-in and insurance claim which took some time to settle. As a result, although some work in the RSEO has been started, very little has been completed to a satisfactory standard.

The works at roof level present a specific problem. The landlord has obtained an estimate of £10,000 for works necessary. All owners in the block have shared liability for this, but no agreement has been reached and the landlord is consulting the local authority on how to take this forward (Donald Graham is the officer dealing with this).

RSEO: works required

1. *Repair/replace the kitchen units and worktops to ensure they are in a reasonable state of repair and are stable and safe.*
2. *Repair/replace the floor coverings throughout the property to reduce the trip hazard.*
3. *Inspect and repair/replace seals and double glazing units where appropriate to ensure they are in a reasonable state of repair.*
4. *Clean the gutters, remove plant growth and ensure that the external rainwater goods are in a reasonable state of repair and in proper working order.*
5. *Repair/replace worktop surround and seal at the kitchen sink ensure hygienic use.*
6. *Provide an up to date Electrical Installation Condition Report from a NICEIC or ECA registered contractor to show that the electrics in the property are in proper working order and to include functional testing of the cooker and the heating and removal of any appliances not in working order.*

Works in RSEO undertaken:

- Kitchen units have been stabilized
- Floor in the entrance hall has been replaced
- A new electrical consumer unit has been installed (photo 5), and the fire detection system upgraded.
- Electric heating appliance in bedroom has been removed and replaced by a new heater (Photo 6). A new heater has also been installed in the living area.
- Mr Ritchie informed me that a satisfactory EICR has been issued and he will forward a copy.

Works in RSEO outstanding:

1. Kitchen worktops do not fit the cupboards leaving a gap of approximately 300mm between the surface and the wall. (Photo 1)
2. Trip hazards remain at thresholds between the living room, bathroom and bedroom as the replacement floor in the entrance hall is approximately 10mm higher than floor levels in the other rooms. (Photos 2a –c).
3. No work has been carried out to windows. In the living room the single-glazed opening light is noticeably poorly fitting the frame, and the double glazed unit in the lower fixed light has condensation between the panes (Photo 3). There are similar problems with the bedroom window
4. No works have been carried out to the gutters and rainwater goods. There is continued plant growth in the gutters and roof, and evidence of substantial water damage in the stairwell.
5. Kitchen sink seal – no work carried out (Photo 4)
6. It was evident that a new consumer unit has been installed and the fire detection system now meets regulations (Photo 5), but no EICR was available at the inspection. The landlord will supply a copy by email.

APPENDIX – PHOTOS



Photo 1: 300mm gap between worktop and wall



Photo 2a hall/livingroom



Photo2c hall/bedroom

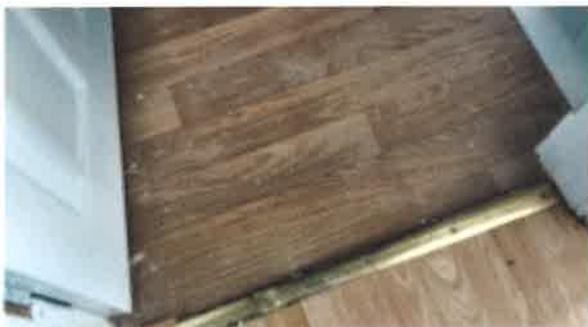


Photo 2b hall/bathroom

Trip hazards at threshold to living room, bathroom and bedroom



Photo 3 living room window



Photo 4: kitchen sink splashback



Photo 5: new electric consumer unit and upgraded fire detection system



Photo 6: old electric heater removed and replaced

*Report referred to in
Decision*

J Lea

Housing and Property Chamber First-tier Tribunal for Scotland



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With effect from 1/12/2016 the Private Rented Housing Panel has been incorporated into the First-tier tribunal for Scotland (Housing and Property Chamber) (“the tribunal”). The tribunal having determined on 19 th May 2017 that the **Repairing Standard Enforcement Order** relative to the house served on 26 August 2016 should be varied, the said **Repairing Standard Enforcement Order is hereby varied** with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended until the end of June 2017.

Subsection 25(3) of the Housing (Scotland) Act 2006 does apply in this case.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Judith V Lea, solicitor Cupar, chairperson of the tribunal at Cupar on 19 May 2017 before this witness:-

M Finnie

witness

J Lea

chairperson

Matthew Finnie
2 Balgownie Road
Bridge of Don
Aberdeen