

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### First-tier Tribunal for Scotland (Housing and Property Chamber)

### Statement of Facts and Reasons for Decision to Grant a Certificate of Completion of Works under Housing (Scotland) Act 2006 Section 60

Chamber Ref: PRHP/RP/16/0143

Property at: 27 Cultrig Drive, Whitburn, West Lothian EH47 8HN

Title No: WLN24264

### The Parties

Ryan Deacon, residing at 27 Cultrig Drive, Whitburn, West Lothian EH47 8HN  
("the tenant")

and

George Weir & Ann Isobel Weir, residing at 34 Holm Road, Crossford, Lanark ML8 5RG  
("the landlord")

### Tribunal Members

Paul Doyle  
Susan Napier

Legal Member  
Ordinary Member

### Statement of Facts and Reasons

1 On 16 August 2016, the Private Rented Housing Committee (now **First-tier Tribunal for Scotland (Housing and Property Chamber)**) issued a decision requiring the landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 21 June 2016. On 28 August 2017, the ordinary member of the Tribunal re-inspected the property. A copy of the ordinary member's report is attached hereto. The Tribunal refers to that report for its terms and adopt it as part of their findings in fact.

2. The Repairing Standard Enforcement Order required the landlord to

(i) Repair or replace the timer on the gas central heating boiler and thereafter provide the PRHP with a report from a suitably qualified, and Gas Safe registered heating engineer on the condition of the gas central heating boiler, &, if necessary, carry out any further repairs or replacement to ensure that the boiler is in proper working order.

(ii) Repair or replace the front door, the double hallway doors and the patio doors to the rear of the property.

(iii) Repair or replace the PVC drainage serving the kitchen sink and fit a properly working overflow drain pipe to the kitchen sink.

3. After re-inspecting the property, the ordinary member concluded

- Refurbishment works have been completed.
- An up to date Gas Safety Certificate has been provided.
- The doors and patio doors had been replaced
- The kitchen sink drainage has been renewed.
- The installation of the smoke detection and carbon monoxide system was complete.

4. The ordinary member's report was circulated to both the applicant and respondent, who were invited to provide their comments and reactions to the contents of the report within 14 days. Neither party raised any challenge to the Ordinary member's re-inspection report.

5. After the inspection and the period of consultation with parties, and placing reliance on the ordinary member's unchallenged report, the Tribunal is satisfied that the works required by the Repairing Standard Enforcement Order have been carried out and that the Repairing Standard Enforcement Order had been complied with.

6. In the circumstances, the Tribunal is satisfied that all works required by the Repairing Standard Enforcement Order had been carried out satisfactorily. Accordingly, the Tribunal decided to grant a certificate of completion.

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

**P Doyle**

Signed

21 October 2017

Legal Member

# Housing and Property Chamber First-tier Tribunal for Scotland



Reference:PRHP/RP/16/00143

Property – 27 CULTRIG DRIVE, WHITBURN EH47 8HN

Reinspection Report 28 August 2017



## Report on Reinspection following the Repairing Standard Enforcement Order dated 21 June 2016 and the Statement of Decision dated 22 November 2016

### 1.0 INTRODUCTION

This property was inspected on 9 June 2016 by the PRHP Committee and a reinspection undertaken on 7 May 2017 which showed that works were underway but had not been completed. A second reinspection was carried out on Monday 28 August 2017 at 1000 by Susan Napier, Ordinary Member (Surveyor). The Landlord Ann Weir was in attendance.

The property is currently unoccupied. It is an east facing, 2 storey end terrace house and consists of hall, living room, kitchen, two bedrooms, bathroom and storage cupboards. There are front and rear gardens surrounded by fences and hedges.

At the time of the inspection the weather was light cloud and dry, with light wind. Photographs taken on 28 August 2017 are attached in Appendix 1.

### 2.0 Repairing Standard Enforcement Order

2.1 The following works were required by the PRHP in the Repairing Standard Enforcement Order

issued on 21 June 2016:

- 2.1.1 Repair or replace the timer on the gas central heating boiler and thereafter provide the PRHP with a report from a suitably qualified and Gas Safe registered heating engineer on the condition of the gas central heating boiler and, if necessary, carry out any further repairs or replacement to ensure that the boiler is in proper working order.
- 2.1.2 Repair or replace the front door, the double hallway doors and the patio doors to the rear of the property.
- 2.1.3 Repair or replace the PVC drainage serving the kitchen sink and fit a properly working overflow drain pipe to the kitchen sink.

### **3.0 Reinspections on 7 May and 28 August 2017**

- 3.1 At the reinspection on 7 May the following were found:
  - 3.1.1 A new front door had been installed with appropriate locks and handles.
  - 3.1.2 A new rear door to the garden had been installed with a fixed window, and with appropriate locks and handles.
  - 3.1.3 New patio doors had been fitted with appropriate locks and handles.
- 3.2 At the reinspection on 28 August the following were found:
  - 3.2.1 Extensive refurbishment works had been completed within the property and the landlord was planning to sell the property.
  - 3.2.2 Work had been carried to upgrade the boiler and timer in the kitchen. The radiators were hot to touch and there was hot water at the kitchen sink.
  - 3.2.3 A Gas Safe Report and Certificate dated 4 August 2017 was provided.
  - 3.2.4 The whole kitchen had been replaced with new units and fittings. A new kitchen sink had been installed with proper drainage and overflow pipes connected. When the taps were turned on there was hot water, no leak under the sink and the overflow worked correctly.
  - 3.2.5 A new smoke detection system had been installed with detectors in the kitchen, ground floor hall and first floor hall.
  - 3.2.6 There was a carbon monoxide detector in the kitchen.

#### 4.0 Summary

- Refurbishment works have been completed.
- An up to date Gas Safety Certificate has been provided.
- The doors and patio doors had been replaced
- The kitchen sink drainage has been renewed.
- The installation of the smoke detection and carbon monoxide system was complete.

5.0 **This report will be distributed to the parties and/or their representatives for their comment. It will be referred afterwards to the Tribunal for their consideration and further action as appropriate.**

Susan Napier, BSocSc, FRICS  
Ordinary Member (Surveyor)

3-9-2017