

Housing and Property Chamber

First-tier Tribunal for Scotland



Certificate of Completion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/16/0165

Re: 38 Bankhead Avenue, Knightswood, Glasgow, G13 3TD being the subjects registered in the land Register of Scotland under Title Number GLA175578 ('The Property')

The Parties:

Miss Margaret McDonald residing sometime at 38 Bankhead Avenue, Knightswood, Glasgow, G13 3TD ('The Tenant')

Thomas Jordan and Peter Jordan residing at 39 Ormiston Avenue, Scotstoun, G14 9EL represented by Core Property Management, Core Property House, 4 Claremont Place, Glasgow, G3 7YR ('The Landlord')

The First-tier Tribunal for Scotland (Housing and Property Chamber), formerly the Private Rented Housing Committee, ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Sara Hesp (Ordinary Member).

CERTIFICATE OF COMPLETION

1. The Tribunal hereby certifies that the works required by the **Repairing Standard Enforcement Order** dated 11th August 2016 ('RSEO') which required the Landlord to:

- 1. Investigate and carry out works to eradicate the presence of damp in the kitchen.*
- 2. Install the new gas boiler and exhibit a compliant Gas Safety Certificate.*
- 3. Label the operating dials on the oven.*
- 4. Install one CO2 detector in every space containing a fixed combustion appliance.'*

Have been **Completed**.

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.

In Witness whereof these presents typewritten on this and the preceding page are executed by Jacqui Taylor, Solicitor, Chairperson of the Tribunal at Irvine on 10th July 2017 before the undernoted witness:

Signed..... **J Taylor** Date 10th July 2017

Chairperson **K Byrne** witness: Keirsten Byrne, 65, High Street,
..... Irvine

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: PRHP/RP/16/0165

Re: 38 Bankhead Avenue, Knightswood, Glasgow, G13 3TD being the subjects registered in the land Register of Scotland under Title Number GLA175578 ('The Property')

The Parties:

Miss Margaret McDonald residing sometime at 38 Bankhead Avenue, Knightswood, Glasgow, G13 3TD ('The Tenant')

Thomas Jordan and Peter Jordan residing at 39 Ormiston Avenue, Scotstoun, G14 9EL represented by Core Property Management, Core Property House, 4 Claremont Place, Glasgow, G3 7YR ('The Landlord')

The First-tier Tribunal for Scotland (Housing and Property Chamber), formerly the Private Rented Housing Committee, ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Sara Hesp (Ordinary Member).

Decision

The Tribunal, having considered the Landlord's representations for the purposes of determining whether the works specified in the Repairing Standard Enforcement Order had been completed determined that the required works had been completed and the order should be certified as having been completed.

Background

1. The Private Rented Housing Committee ('the Committee') issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlords to:-

- 1. Investigate and carry out works to eradicate the presence of damp in the kitchen.*
- 2. Install the new gas boiler and exhibit a compliant Gas Safety Certificate.*
- 3. Label the operating dials on the oven.*
- 4. Install one CO2 detector in every space containing a fixed combustion appliance.'*

2. The Committee ordered that the works specified in the RSEO were to be carried out and completed by 31st October 2016.
3. On 2nd November 2016 the Ordinary Surveyor Member of the Committee carried out an inspection of the Property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. She found that a new gas boiler had been installed and a carbon monoxide detector had been satisfactorily installed on the door frame outside the hallway cupboard containing the gas boiler. However there was no evidence that the dampness works in the kitchen had been carried out, a compliant gas safety certificate had not been provided and the operating dials on the oven had not been labelled. Her inspection report dated 2nd November 2016 has previously been produced to the parties.
4. Subsequently the Landlords provided a Gas Safety Certificate, dated 22nd November 2016, by A Campbell of A Campbell Plumbing and Heating, 14 Foswell Place, G15 8JL. They also provided written representations dated 29th November 2016 advising that they agreed with the findings of the surveyor's report.

They stated:

'Works complete. Invoices Attached. Damp Proof Course to be mutually arranged with the Tenant. New Oven installed. All checks carried out. When the extent of the dampness was reported we proactively attended to ensure the recommendations of the surveyors report were carried out. Dampness to be mutually arranged. Copies of works will be submitted to add to file.'

They also provided an invoice from Capital Building and Electrical Services dated 1st November 2016 for disconnecting and removing the electric oven and supplying and installing a new Lamona fan oven.

5. On 1st December 2016 jurisdiction of the Private Rented Housing Panel passed to The Housing and Property Chamber.
6. The Tribunal Administration sent an email to the Landlords dated 19th January 2017 requesting confirmation that the damp treatment works had been completed. No response was received to that email.
7. On 21st February 2017 the Tribunal issued their determination detailing the sections of the RSEO that had been complied with and the sections that had not been complied with. Their determination advised that the following works had been **satisfactorily completed** (the original numbering of the RSEO is used):
 - (2) the new gas boiler had been installed and
 - (4) a carbon monoxide detector had been satisfactorily installed.

In relation to item (3) of the RSEO they determined that as a new oven had been installed there was no longer a requirement to *Label the operating dials on the oven* and accordingly they **revoked** this requirement of the RSEO.

The Tribunal also determined that item (1) of the RSEO has not been complied with as no evidence had been produced to evidence the completion of the damp treatment works required. In relation to the second part of item (2) of the RSEO the Tribunal considered the terms of the Gas Safety Certificate that had been produced. They were unable to find the certifying engineer 'A Campbell' on the register of Gas Safe engineers and accordingly determined that the certificate produced was not a compliant Gas Safety Certificate. Consequently they determined that the second part of item (2) of the RSEO has not been complied with.

8. On 16th May 2017 the surveyor member of the Tribunal carried out an inspection of the Property for the purpose of ascertaining whether the outstanding repairs required by the RSEO had been completed. She found that there had been an investigation of the presence of damp in the kitchen. It was discovered that there was a leak from the soil stack and a leak from the bath, both of which may have contributed to the presence of damp in the external wall. Both leaks had been repaired. The wall in the kitchen had been stripped back and a membrane inserted. It had been faced with a wet wall type surface. There was no evidence of damp in the wall on inspection. She also confirmed that the Landlord had exhibited a compliant gas safety certificate. Her inspection report dated 16th May 2017 is annexed and executed as relative hereto

Decision

9. The Tribunal being satisfied that the terms of the RSEO had been satisfactorily completed determined to certify that the terms of the RSEO had been completed.
10. The decision of the Tribunal was a unanimous decision.

11. 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..... **J Taylor** Date 9th July 2017
Chairperson

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) Housing (Scotland) Act 2006 Property Re-inspection Report



Front elevation – 16 May 2017

Date and time of re-inspection: 16 May 2017 at 10.00 am

Chamber Reference Number: PRHP/RP/16/0165

Property address: 38 Bankhead Avenue, Knightswood, Glasgow
G13 3TD

Surveyor: Mrs S Hesp LLB (Hons) BA (Hons) MRICS ACI Arb

Circumstances of inspection:

The property was vacant at the date of inspection. The weather was showery and warm.

In attendance:

Access was provided by the landlords' father, Mr Peter Jordan. The landlords were not present.

Repairing Standard Enforcement Order (RSEO)

Under the RSEO the landlord had been required:

- a) To investigate and carry out works to eradicate the presence of damp in the kitchen*
- b) To install the new gas boiler and exhibit a compliant Gas safety Certificate*
- c) To label the operating dials on the oven*
- d) To install one carbon monoxide detector in every space containing a fixed combustion appliance*

The landlord was required to carry out and completed the works specified by 31 October 2016.

History

I had previously re-inspected the property on 2 November 2016 but the requirements of the RSEO had not been fully addressed. There were still outstanding matters. My report dated 2 November 2016 refers.

However since that date:

- a) There has been an investigation of the presence of damp in the kitchen. It was discovered that there was a leak from the soil stack and a leak from the bath, both of which may have contributed to the presence of damp in the external wall. Both leaks have been repaired. The wall in the kitchen has been stripped back and a membrane inserted. It has been faced with a wet wall type surface. There was no evidence of damp in the wall on inspection.
- b) A compliant Gas Safety Certificate has been provided.

The landlords should be aware that although the gas engineer/business was registered with GasSafe when the Gas Safety Certificate was issued, this registration has now lapsed. They should ensure that they verify the registration of any engineer carrying out further gas safety checks at the property. A non-compliant certificate provided by an engineer who was not registered, was initially submitted to the Tribunal in November 2016.

The presence of a new gas boiler was noted on my previous re-inspection and it was unaltered when I inspected on this occasion.

- c) The electric oven has been replaced.
- d) The carbon monoxide detector remains as it was at my last inspection.

There are photographs of relevant elements of the property attached in a schedule to this report.

Outstanding works

There are no outstanding works.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

S Hesp

16 May 2017

**Schedule of photographs attached to re-inspection report
PRHP/RP/16/0165 – 38 Bankhead Avenue, Knightswood, Glasgow G13 3TD
All taken 16 May 2017**



Previously damp wall in kitchen next to back door



Soil stack – re-sealed



Replacement oven



Replacement oven