

Housing and Property Chamber First-tier Tribunal for Scotland



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

Certificate of completion of work: Housing (Scotland) Act 2006 Section 60

Chamber Ref: PRHP/RP/16/0363

Title No: GLA132377

**Flat 2/1, 3 Cherrybank Road, Glasgow, G43 2PQ
("the Property")**

The Parties:-

**Miss Emma Manning, formerly residing at the property
("the Tenant")**

**Miss Joan Morran, 25 Kingshurst Avenue, Glasgow, G44 4QZ
("the Landlord")**

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 31 January 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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."

In witness whereof these presents type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 1 Atlantic Quay, Glasgow, chairperson of the tribunal at Glasgow on 1 June 2017 before this witness:-

G Cusick

witness

GARY CUSICK

name in full

1 ATLANTIC QUAY, GLASGOW -Address

G2 8JB

P Pryce

Chair and Legal Member 

Housing and Property Chamber First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)

Chamber Ref: PRHP/RP/16/0363

Title no: GLA132377

**Flat 2/1, 3 Cherrybank Road, Glasgow, G43 2PQ
("the Property")**

The Parties:-

**Miss Emma Manning, formerly residing at the property
("the Tenant")**

**Miss Joan Morran, 25 Kingshurst Avenue, Glasgow, G44 4QZ
("the Landlord")**

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal"), having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order dated 29 January 2017 in respect of the property, and taking account of the written information provided by the Landlord together with the Landlord's submissions at the hearing on 1 June 2017, determined that the Landlord has complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Patricia Anne Pryce	-	Chair and Legal Member
Andrew McFarlane	-	Ordinary Member (Surveyor)

Background

1. On 29 January 2017, the tribunal issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the tribunal required the Landlord:-
 - (a) To repair or replace the right-hand window in the kitchen to ensure that it is in a reasonable state of repair and in proper working order.
 - (b) To instruct an appropriately qualified contractor to carry out a full inspection of the balcony and to carry out such works as may be identified by such a report as necessary to fix the crack located on the floor of the balcony to ensure that the balcony is in a reasonable state of repair and in proper working order.
 - (c) To repair or replace the cooker hood extractor fan to ensure that that is in a reasonable state of repair and in proper working order.
 - (d) To produce a complete Electrical Installation Condition Report by a suitably qualified and registered electrician and a Portable Appliance Test Certificate on all portable electrical appliances and equipment supplied by the Landlord and located within the property.
 - (e) To install an appropriately placed carbon monoxide detector within the property in accordance with current regulations.
3. The tribunal ordered that the works specified in the RSEO were to be carried within 6 weeks of the date of service of the RSEO, that is, by 17 March 2017.
4. The ordinary member of the tribunal re-inspected the property on 3 April 2017 and found that almost all of the works specified in the RSEO had been completed. The ordinary member found that parts (a), (b) and (e) of the RSEO had been fully satisfied. In relation to part (c) of the RSEO, ordinary member found that the cooker hood had been removed in its entirety rather than being repaired or replaced. In relation to part (d) of the RSEO, no Portable Appliance Test Certificate ("PAT") had been produced to the tribunal. The Landlord was sent a copy of the ordinary member's report dated 4 April 2017. In response, the Landlord requested a further hearing. The tribunal decided to schedule a further hearing. A copy of the ordinary member's report dated 4 April 2017 is attached to this decision.
5. A hearing took place at Wellington House, Wellington Street, Glasgow on 1 June 2017 at 10 am. The Landlord and her partner, Mr. James Moran, attended the hearing. The Landlord provided the tribunal with a PAT certificate in relation to the property. In relation to the cooker hood, the Landlord's partner, who is also a qualified joiner, submitted that he had removed the cooker hood as it was so old that it could not be replaced, to replace it would have meant that the kitchen would have required to have been replaced, he could not source charcoal filters for it and, in any event, the hood had never been wired up and had only ever been there for

decorative purposes. The Landlord accepted that if she provided an item such as the cooker hood then such an item required to meet the repairing standard. The Landlord had not appreciated this prior to the present application before the tribunal. In light of the submissions by the Landlord and her partner, the tribunal decided to vary the RSEO by removing the requirement contained within paragraph (c) of the RSEO. Furthermore, the Landlord had been unable to attend the first hearing of this matter as she had required to look after her grandchildren and had been unable to provide this explanation at the first hearing. Given all of the circumstances, the tribunal found that all of the works in the RSEO had taken place.

6. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Committee was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

D Pre

P Pryce

Chair and Legal Member

1 June 2017

Date

Housing and Property Chamber

First-tier Tribunal for Scotland



First-Tier Tribunal for Scotland (Housing and Property Chamber)

Re-inspection Report

Chamber Ref: PRHP/RP/16/0363

Property: 2/1 3 Cherrybank Road Glasgow G43 2PQ



The Property was re-inspected on 3 April 2017 at 9.45am during a period of dry overcast weather. The Property was vacant at the time of the re-inspection.

The re-inspection was conducted by Andrew McFarlane Ordinary Member and attended by Miss Joan Morran the landlord.

A Repairing Standard Enforcement Order was previously issued requiring the landlord to:-

- (a) To repair or replace the right-hand window in the kitchen to ensure that it is in a reasonable state of repair and in proper working order.
- (b) To instruct an appropriately qualified contractor to carry out a full inspection of the balcony and to carry out such works as may be identified by such a report as necessary to fix the crack located on the floor of the balcony to ensure that the balcony is in a reasonable state of repair and in proper working order.
- (c) To repair or replace the cooker hood extractor fan to ensure that that is in a reasonable state of repair and in proper working order.
- (d) To produce a complete Electrical Installation Condition Report by a suitably qualified and registered electrician and a Portable Appliance Test Certificate on all portable electrical appliances and equipment supplied by the Landlord and located within the property.
- (e) To install an appropriately placed carbon monoxide detector within the property in accordance with current regulations.

As a result of the re-inspection the following was found:-

- a) The right hand kitchen window has been repaired and restored to proper working order as illustrated in the photographs attached.
- b) The landlord has produced an email from the Property Factor dated 23 March 2017 confirming that an inspection of the balcony has been carried out by a Structural Engineer and confirming that there is no structural issue.
- c) The cooker hood has been removed in its entirety as illustrated in the photographs attached.
- d) The landlord has produced reports by Sommerville Electrics on the electrical system. These are dated 4th August 2016 and give an overall assessment of "satisfactory". No Portable Appliance Test Certificate has been provided.
- e) A carbon monoxide detector has been installed in an appropriate position as illustrated in the photographs attached.

This report comprises this page, the preceding page and five photographs.

A McFarlane

Andrew McFarlane FRICS
Ordinary Member
4 April 2017



1. Kitchen Window 24 January 2017



2. Kitchen Window 3 April 2017



3. Cooker Hood Extractor Fan 24 January 2017



4. Cooker Hood Extractor Fan 3 April 2017



5. Carbon Monoxide Detector in Kitchen 3 April 2017

CLIENT AND LOCATION DETAILS

Miss J Moran
3 Cherrybank Road
Flat2/1
Glasgow
G43 2PQ

TEST RESULTS

Asset ID and Group	Description and Serial No.	Room, Class, Voltage	Test Date, Time, Frequency	Visual	Cont 1	Cont 2	Cont 3	Ins.	Oper.	Leak. (Idiff)	Extn.	Flash	Status
1	mtrz98 Fridgemaster freezer	1	17/03/2017	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	P
2	w855 indesit washing machine	1	17/03/2017	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	P
3	mtrr110 fridgemaster fridge	1	17/03/2017	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	P

CONTRACTOR DETAILS

Sommerville Electrics
28 Argyle Drive
Hamilton

Tester Name **Thomas Sommerville**
Qualifications **Electrician**
Position **Owner**

ML3 9EB

Signature



PERIODIC INSPECTION REPORT FOR AN ELECTRICAL INSTALLATION
(REQUIREMENTS FOR ELECTRICAL INSTALLATIONS - BS7671 (IEE WIRING REGULATIONS))

DETAILS OF THE CLIENT

Client *Jean Morgan*
Address: *3 Cherrybank Road, Glasgow*
G43 2PQ

Purpose for which this Report is required:

DETAILS OF THE INSTALLATION

Occupier:	Installation:		
Address:	Same As Above		
Description of Premises:	Domestic		
Estimated age of the Electrical Installation:	30	years	
Evidence of Alterations or Additions:	No	If "Yes"	years
Date of Last Inspection:	None		
Records Available:	No		

EXTENT AND LIMITATIONS OF THE INSPECTION

Extent of electrical installation covered by this report:
Full electrical test and inspection on all existing circuits

Limitations (see Regulation 634.2):
None

This inspection has been carried out in accordance with BS7671: 2008 (IEE Wiring Regulations), amended to *2016*
Cables concealed within trunking and conduits, or cables and conduits concealed under floors, in roof spaces and generally within the fabric of the building or underground have not been inspected.

NEXT INSPECTION

I/We recommend that this installation is further inspected and tested after an interval of not more than **5** years provided that any observations 'requiring urgent attention' are attended to without delay.

DECLARATION**INSPECTED AND TESTED BY**

Name: **Thomas Sommerville**
For and on behalf of: **Sommerville Electrics**
Address: **28 Argyle Drive**
Hamilton
ML3 9EB

Signature: 
Position: **Owner**
Date: **4/08/2016**

SUPPLY CHARACTERISTICS AND EARTHING ARRANGEMENTS

Earthing arrangements	Number and Type of Live Conductors	Nature of Supply Parameters	Supply Protective Device Characteristics
TN-S	A.C. Yes D.C.	Nominal voltage, $U/U_0^{(1)}$ 230 V	BS(EN) BS1361 Type 2 Rated current 60 A
TN-C-S ✓	1 Phase, 2 Wire Yes 2-Pole	Nominal frequency, $f^{(1)}$ 50 Hz	
TN-C	2 Phase, 3 Wire 3-Pole	Prospective fault current, $I_{pf}^{(2)}$ 1.30 kA	
TT	3 Phase, 3 Wire Other	External loop impedance, $Z_e^{(2)}$ 0.28 Ω	
IT	3 Phase, 4 Wire	(Note: (1) by enquiry, (2) by enquiry or by measurement)	

PARTICULARS OF INSTALLATION REFERRED TO IN THE REPORT

Means of Earthing Distributors Facility Yes	Details of installation Earth Electrode: (where applicable)		
	Type:	Location:	Electrode resistance to earth: Ω
Installation Earth Electrode			

Main Protective Conductors			
Earthing Conductor	material	Copper	csa 10 mm ²
Main protective bonding \ conductors	material	Copper	csa 10 mm ²
To incoming water service	Pass	To incoming gas service	Pass
To incoming oil service		To structural steel	
To lightning protection		To other service(s)	(state details)

Main Switch or Circuit-breaker			
BS(EN) 5486	Type 2	No. of poles 2	Current rating 100 A
			Voltage rating 230 V
Location	Hall cupboard		Fuse rating or setting A
Rated residual operating current $I_{\Delta n}$	mA and operating time of		ms (at $I_{\Delta n}$)
(applicable only when an RCD is suitable and is used as a main circuit-breaker)			

OBSERVATIONS AND RECOMMENDATIONS

Referring to the Schedule(s) of Inspection and Test Results, and subject to the limitations specified at the Extent and Limitations of the Inspection section	Recommendations as detailed below
✓ No remedial work is required The following Observations were made:	

One of the following numbers, is to be allocated to each of the observations made above to indicate to the person (s) responsible for the installation the action recommended.

1 requires urgent attention
 2 requires improvement
 3 requires further investigation
 4 does not comply with BS 7671:2008 amended to
 This does not imply that the electrical installation inspected is unsafe

SUMMARY OF THE INSPECTION

Date(s) of the inspection: 04/08/2016	Overall Assessment	Satisfactory
General condition of the installation: The installation is in a good condition		

SCHEDULE(S)

The attached Schedules are part of this document and this Report is only valid when they are attached to it.

1 Schedules of inspections and 1 Schedules of Test Results are attached.

SCHEDULE OF INSPECTIONS

Methods of protection against electric shock		Prevention of mutual detrimental influence	
Both basic and fault protection:			
<input type="checkbox"/> (i) SELV	N/A	<input type="checkbox"/> (a) Proximity of non-electrical services and other influences	N/A
<input type="checkbox"/> (ii) PELV	N/A	<input checked="" type="checkbox"/> (b) Segregation of band I and band II circuits or use of band I insulation	<input checked="" type="checkbox"/>
<input type="checkbox"/> (iii) Double insulation	N/A	<input checked="" type="checkbox"/> (c) Segregation of safety circuits	<input checked="" type="checkbox"/>
<input type="checkbox"/> (iv) Reinforced insulation	N/A	Identification	
Basic protection:			
<input checked="" type="checkbox"/> (i) Insulation of live parts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> (e) Presence of diagrams, instructions, circuit charts and similar information	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> (ii) Barriers or enclosures	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> (b) Presence of danger notices and other warning notices	<input checked="" type="checkbox"/>
<input type="checkbox"/> (iii) Obstacles	N/A	<input checked="" type="checkbox"/> (c) Labelling of protective devices, switches and terminals	<input checked="" type="checkbox"/>
<input type="checkbox"/> (iv) Placing out of reach	N/A	<input checked="" type="checkbox"/> (d) Identification of Conductors	<input checked="" type="checkbox"/>
Cables and conductors			
<input checked="" type="checkbox"/> Fault protection:	<input checked="" type="checkbox"/>	Selection of conductors for current-carrying capacity and similar information	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> (i) Automatic disconnection of supply:	<input checked="" type="checkbox"/>	Erection Methods	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Presence of earthing conductor	<input checked="" type="checkbox"/>	Routing of cables in prescribed zones	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Presence of circuit protective conductors	<input checked="" type="checkbox"/>	Cables incorporating earthen armour or sheath, or run within an earthen wiring system, or otherwise adequately protected against nails, screws and the like	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Presence of protective bonding conductors	<input checked="" type="checkbox"/>	Additional protection provided by 30 mA RCD for cables in concealed walls (where required in premises not under the supervision of a skilled or instructed person)	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Presence of supplementary bonding conductors	<input checked="" type="checkbox"/>	Connection of conductors	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Presence of earthing arrangements for combined protective and functional purposes	<input checked="" type="checkbox"/>	Presence of fire barriers, suitable seals and protection against thermal effects	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Presence of adequate arrangements for alternative source(s), where applicable	<input checked="" type="checkbox"/>	Presence and correct location of appropriate devices for isolation and switching	<input checked="" type="checkbox"/>
<input type="checkbox"/> FELV	N/A	Adequacy of access to switchgear and other equipment	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Choice and setting of protective and monitoring devices (for fault and/or overcurrent protection)	<input checked="" type="checkbox"/>	Particular protective measures for special installations and locations	<input checked="" type="checkbox"/>
(ii) Non-conducting location:			
<input checked="" type="checkbox"/> Absence of protective conductors	<input checked="" type="checkbox"/>	Connection of single-pole devices for protection or switching in line conductors only	<input checked="" type="checkbox"/>
(iii) Earth-free equipotential bonding:			
<input type="checkbox"/> Presence of earth-free local equipotential bonding	N/A	Correct connection of accessories and equipment	<input checked="" type="checkbox"/>
(iv) Electrical separation			
<input type="checkbox"/> Provided for one item of current-using equipment	N/A	Presence of undervoltage protective devices	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Provided for more than one item of current-using equipment	<input checked="" type="checkbox"/>	Selection of equipment and protective measures appropriate to external influences	<input checked="" type="checkbox"/>
Additional protection			
<input checked="" type="checkbox"/> Presence of residual current devices(s)	<input checked="" type="checkbox"/>	Selection of appropriate functional switching devices	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Presence of supplementary bonding conductors	<input checked="" type="checkbox"/>		
Inspected by		Date(s) Inspected	04/08/2016
Notes:			
<input checked="" type="checkbox"/> to indicate an inspection has been carried out and the result is satisfactory			
<input checked="" type="checkbox"/> to indicate an inspection has been carried out and the result was unsatisfactory			
<input type="checkbox"/> N/A to indicate the inspection is not applicable			
<input type="checkbox"/> LHM to indicate that, exceptionally, a limitation agreed with the person ordering the work prevented the inspection or test being carried out			



Schedule of Test Results

Certificate No: 24

Address/location of distribution board Ref Heating board

Location Hall Cupboard 1 Supply TN-S

Megger MFT1553

070507/1058

Instruments

Address 3 Cherrybank Road Glasgow

TN-C-S

Megger MFT1553

070507/1058

Glasgow

TN-C

Megger MFT1553

070507/1058

Test date 04/08/2016

TT

Megger MFT1553

070507/1058

Signature

TT

Megger MFT1553

070507/1058

Method of fault protection ADS

Equipment vulnerable to testing

Smoke alarms

Confirmation of supply polarity

Description of Work Periodic inspection

Ref.	Circuit Description	Overcurrent Device	Inst. Ref Meth	Wiring		Continuity			Insulation Resistance		Test Results			Remarks		
				Conductors	live	R1+R2*	R2*	Ring	Live/ Live	Live/ Earth	Polarity	Earth Loop impedance Zs	Functional Testing		Other	
1	Hall socket	BS3871	C	2.5	1.5	0.12	Ω	Ω	200	200	200	Pass	0.39	Ω	ms	
2	Bedroom 1 socket	BS3871	C	2.5	1.5	0.04	Ω	Ω	200	200	200	Pass	0.42	Ω	ms	
3	Bedroom 2 socket	BS3871	C	2.5	1.5	0.21	Ω	Ω	200	200	200	Pass	0.45	Ω	ms	

Deviations from Wiring Regulations and special notes:

* Complete column R1+R2 or R2