

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: FTS/HPC/RP/17/0040

Title No: AYR69002

Roaston Farmhouse, Kirkmichael, Ayrshire, KA19 7JY
("The Property")

The Parties:-

Mr. Philip Hamerton and Ms. Alison (known as Jean) Rennie, residing at the property
("the Tenants")

Doctor Nicholas Hunter and Mrs. Morag Hunter, 26 Havelock Road, Shrewsbury, Shropshire, SY3 7NE (represented by CKD Galbraith LLP, 7 Killoch Place, Ayr, KA7 2EA)
("the Landlords")

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 11 April 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 24 July 2017 before this witness:-

N Pryce

witness

NICHOLAS PRYCE

name in full

55 BLYTHWOOD ST,

Address

GLASGOW

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: FTS/HPC/RP/17/0040

Title no: AYR69002

**Roaston Farmhouse, Kirkmichael, Ayrshire, KA19 7JY
("the Property")**

The Parties:-

**Mr. Philip Hamerton and Ms. Alison (known as Jean) Rennie, formerly residing
at the property
("the Tenants")**

**Doctor Nicholas Hunter and Mrs. Morag Hunter, 26 Havelock Road,
Shrewsbury, Shropshire, SY3 7NE (represented by CKD Galbraith LLP, 7
Killoch Place, Ayr, KA7 2EA)
("the Landlords")**

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 Landlords had complied with the Repairing Standard Enforcement Order dated 4 April 2017 in respect of the property, and taking account of the written information provided by the Landlords and their agents, determined that the Landlords have 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
Donald Wooley	-	Ordinary Member

Background

1. On 4 April 2017, the tribunal issued a determination which stated that the Landlords 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 Landlords:-
 - (a) To repair or replace the non-functioning front right hand heating ring on the hob of the cooker to ensure that it is in a reasonable state of repair and in proper working order.
 - (b) To produce a complete Electrical Installation Condition Report by a suitably qualified and registered electrician, which report confirms that the repair in (a) above is carried out.
 - (c) To install fully functional regulatory valves on the radiators located in the downstairs hallway, bathroom, dining room and shower room of the property.
 - (d) To repair the leaking radiator in the dining room of the property.
 - (e) To instruct a suitably qualified and competent contractor to expose and investigate the sub floor void and the surrounding area of the en-suite bathroom together with all drainage located therein in order to identify the source of the noxious odour emanating from the en-suite area and to carry out all necessary remedial work identified by said contractor to eradicate the said odour.
3. The tribunal ordered that the works specified in the RSEO were to be carried within 8 weeks of the date of service of the RSEO, that is, by 9 June 2017.
4. The ordinary member of the tribunal re-inspected the property on 19 June 2017 and found that all of the works specified in the RSEO had been completed. The ordinary member found that parts (a), (c), (d) and (e) of the RSEO had been fully satisfied. In relation to part (b) of the RSEO, the Landlords subsequently provided an EICR dated 30 June 2017 to the tribunal. The Landlords' agents confirmed that the Tenants had vacated the property on 14 May 2017. The Landlords were sent a copy of the ordinary member's report dated 20 June 2017. In response, the Landlords confirmed that they agreed with the terms of the ordinary member's report. A copy of the ordinary member's report dated 20 June 2017 is attached to this decision.
5. 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.

P Pryce Chair and Legal Member

D Presto

31 July 2017

Date

Housing and Property Chamber First-tier Tribunal for Scotland



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



Property Roaston Farm, Kirkmichael, Maybole KA19 7JY

Ref No: FTS/HPC/RP/17/0040

Surveyor: Donald Wooley MRICS

Previous inspection

The subject property was previously inspected on 3rd April 2017 by the First-tier Tribunal for Scotland (Housing Property Chamber) and as a result, a Repairing Standard Enforcement Order was served on 4th April 2017.

Access:

A re-inspection of the subject property was arranged for Monday 19th June at 11.00 am. I arrived at the property at the appointed time and was provided with access by Marjorie Douglas from CKD Galbraith, Chartered Surveyors, Sales and Letting Agents, 7 Killoch Place Ayr, representing the landlords.

The property was unfurnished and with the exception of the landlords' agent there were no other parties in attendance. The observations of the property are based on an external and internal inspection from ground and floor level only.

Weather conditions at time of inspection were warm, dry and sunny.

I left the property at 10.40 am and confirmed my departure with administration.

Purpose of re-inspection

The purpose of this re-inspection was to determine if the required works as detailed under the Repairing Standard Enforcement Order had been completed.

Work required under the Repairing Standard Enforcement Order:

The following works were required to be completed by the landlord in accordance with the Repairing Standard Enforcement Order:

- (a) To repair or replace the non-functioning front right hand heating ring on the hob of the cooker to ensure that it is in a reasonable state of repair and in proper working order.
- (b) To produce a complete Electrical Installation Condition Report by a suitably qualified and registered electrician, which report confirms that the repair in (a) above is carried out.
- (c) To install fully functional regulatory valves on the radiators located in the downstairs hallway, bathroom, dining room and shower room of the property.
- (d) To repair the leaking radiator in the dining room of the property.
- (e) To instruct a suitably qualified and competent contractor to expose and investigate the sub floor void and the surrounding area of the en-suite bathroom together with all drainage located therein in order to identify the source of the noxious odour emanating from the en-suite area and to carry out all necessary remedial work identified by said contractor to eradicate the said odour.

Site Observations:

- (a) At my request the landlords' agent switched on the front right hand hot plate on the kitchen hob. It was functional.



Kitchen Hob 3rd April 2017



Kitchen Hob 19th June 2017

- (b) The landlords' agent exhibited an original copy of an EICR prepared by John Fergus (SELECT Registered) and dated 16 November 2015. It identified two category C2 defects which related to the immersion heater and shower. Both were subsequently repaired by John Fergus and noted on the revised report dated 25th November 2015. No subsequent EICR, following completion of item (a) of the Repairing Standard Enforcement Order, has been obtained as instructed under item (b) of the RSEO, although I was presented with a copy invoice in the name of McKissock Appliance Repair Service dated 3rd May 2017 confirming that they had completed the repair.
- (c) Fully functional thermostatic radiator valves (TRVs) have now been installed at the radiators in the entrance hall, ground floor bathroom, dining room and shower room.

In addition an invoice, dated 15th June supplied by Darwin Johnstone Gas Services Ltd, was provided detailing work including the removal of the towel rail in the shower room, flushing of the central heating system and clearance of blockage in pipework to towel rail.



Hall Radiator 3rd April 2017



Hall Radiator 19th June 2017



Bathroom Radiator 3rd April 2017



Bathroom Radiator 19th June 2017



Dining Room Radiator
3rd April 2017



Dining Room Radiator
19th June 2017



Shower room Radiator
3rd April 2017



Shower Room Radiator
19th June 2017

- (d) The area surrounding and below the previously defective and leaking valve at the dining room radiator was tested and established to be dry.
- (e) I was presented with an invoice prepared by Darwin Johnstone Gas Services which, in addition to the central heating and towel rail repairs, included a repair of a water leak to the en suite bath fitting, lifting and relaying of tiles in en suite bathroom flooring to check for source of noxious odour and the supply and fitting of a new soil vent stack on the external wall to eliminate possibility of future smells.

Replacement floor tiles, very slightly different in colour are evident behind the bath where the original tiles were lifted for the purposes of exposing the floor and sub floor areas.

No specific source of the previously identified noxious odour was established. Following the repair of the water leak at the bath and fitting of the new external soil vent stack, there was during my re-inspection no longer any evidence of a foul smell. Previously this had been exacerbated when the bath/wash hand basin taps or separate shower fitting were in operation.

These areas were specifically tested and there was no evidence of a foul or noxious odour when in use.



En suite original floor tiles
3rd April 2017



En suite replacement floor tiles
19th June 2017



No external soil stack vent
3rd April 2017



Fitted external soil stack vent
19th June 2017

Outstanding Repairs:

All of the repairs as detailed in the Repairing Standard Enforcement Order (RSEO) dated 4th January 2017 have been completed.

Other Issues:

As part of the RSEO and specifically detailed under item (b) there was a requirement "to produce a complete Electrical Installation Condition Report by a suitably qualified and registered electrician, which report confirms that the repair in (a) above is carried out". This related to the repair to the hob. There is a historic EICR dated 16th November, subsequently amended on 25th November although no report post-dates the repair to the hob. The landlords' agent confirmed that this will be instructed on her return to the office.

Comments:

This report will be passed to the parties for comment before being submitted to the First-tier Tribunal for Scotland (Housing Property Chamber) for their decision.

Donald Wooley MRICS
Ordinary Member
First-Tier Tribunal for Scotland
20 June 2017