

# 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/17/0355

Title no/Sasines Description: MID43397

Property Address: 43/5 Durrar Drive, Edinburgh EH4 7HW ("The house")

**The Parties:** Ms Sharon Hendry, formerly residing at  
"the house" and now treated as having withdrawn her  
application ("the tenant")

Mrs Kadira Liton, 20 East Craigs Wynd, Edinburgh  
EH12 8HJ ("the landlord")

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 dated 7 February 2018 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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 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 the presents typewritten on this and the preceding page are subscribed as follows:-

M Thorley

Chairing Member

Witness

✓ ..Edinburgh... Place of signing

16 May 2018..... Date of signing

ALISON GIBSON..... Witness address

20 Hopekoun.....

Street...Edinburgh

EH7 4GH.....

# Housing and Property Chamber First-tier Tribunal for Scotland



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

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

**Chamber Ref:** FTS/HPC/RP/17/0355

**Title no/Sasines Description:** MID43397

**Property Address:** 43/5 Durar Drive, Edinburgh EH4 7HW (“The house”)

**The Parties:** Ms Sharon Hendry, formerly residing at “the house” and now treated as having withdrawn her application (“the tenant”)

Mrs Kadira Liton, 20 East Craigs Wynd, Edinburgh EH12 8HJ (“the landlord”)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’), having made such enquiries as it saw fit for the purpose of determining whether the landlord has complied with the Repairing Standard Enforcement Order (RSEO) made by the tribunal on 7 February 2018, determined that the landlords has complied with the order and that a certificate of completion of work to that effect should be issued in terms of Section 60 of the Housing (Scotland) Act 2006.

## **Background**

1. By application received on 14 September 2017, the tenant applied to the tribunal for a determination of whether the landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”).
2. The application by the tenant stated that the tenant considered that the landlord had failed to comply her duty to ensure that the house meets the repairing standard.
3. Upon an inspection and hearing on 23 January 2018 the tribunal made a Repairing Standard Enforcement Order (“the order”). The order required the landlord –
  - (a) To obtain a report in respect of the dampness in the two westerly bedrooms of the property from a suitably qualified damp specialist surveyor or other such specialist to confirm the nature and extent of the damp in the bedrooms, thereafter to attend to such work as is identified in terms of such report.
  - (b) To submit to the tribunal an up to date and satisfactory Electrical Installation Condition Report (EICR) in respect of the installations in the house for the supply of electricity and the electricity fixtures and fittings.
  - (c) To instal hard wired and interlinked smoke alarms in the hall and kitchen to ensure there is satisfactory provision for detecting fires and to give warning in the event of fire or suspected fire.

The tribunal ordered that the works required by the order should be carried out within a period of six weeks from the date of service of the notice.

4. The ordinary member re-inspected the property on 27 April 2018.
5. An invoice dated 27 April 2017 had been provided by Kemp Roofing Contractors Ltd on 21 February 2018 to explain what procedures had been carried out, and this had been forwarded to the tribunal by Mr Liton on 21 March 2018. This describes the work carried out and invoiced for £8,997.60 and includes repairs to the damaged gable at elevation which is the likely source of the dampness in the bedrooms.
6. At the re-inspection on 27 April 2017 damp meter readings were taken on the internal wall of the gable. The readings had improved since the original inspection on 23 January 2018 and the signs of dampness were noticeably less. If the rooms are kept heated and ventilated, then it is anticipated that the dampness should be minimised.
7. Copies of an up to date Gas Safety Certificate dated 1 December 2017 and Electrical Installation Condition Report dated 28 January 2018 had been provided by the landlord show that both installations are satisfactory.
8. The smoke detection system in the hall and kitchen has been updated as required but it is recommended that hard wired smoke detectors should be installed in the livingroom in order to meet current Scottish Government standards.
9. The tribunal accordingly finds that the works as required to be undertaken in the Repairing Standard Enforcement Order have been undertaken.

### Summary of Issues

The issue is to determine whether the landlord has carried out the works required by the Repairing Standard Enforcement Order made on 7 February 2018 and whether a certificate of completion of work should be issued. The tribunal is satisfied that all the work required by the order has now been carried out.

### Right of Appeal

**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.

M Thorley

Signed

.....  
Chairperson

Date

..... 16 May 2018

**PRHP/RP/17/0355**

**Property – 43/5 DURAR DRIVE, EDINBURGH EH4 7HW**

**Reinspection Report 27 APRIL 2018**



**Report on Reinspection following Repairing Standard Enforcement Order dated 7 February 2018.**

#### **1.0 SUMMARY**

This property was reinspected on Friday 27 April 2018 at 1000 by Susan Napier, Ordinary Member. The landlord's husband Mr Liton was in attendance. The property is currently occupied by tenants, but not the tenant who originally made the complaint.

The property is a top floor flat in a three storey block facing south and comprises hall, living room, three bedrooms, bathroom and Kitchen.

The weather was dry and cloudy with a light wind.

Photographs taken on 27 April 2018 are attached in Appendix1.

## **2.0 Repairing Standard Enforcement Notice**

**2.1** The following works were required in the Repairing Standard Enforcement Notice issued on 7 February 2018.

2.1.1 To obtain a report in respect of the dampness in the two westerly bedrooms of the property from a suitably qualified damp specialist surveyor or other specialist to confirm the nature and extent of the damp in the bedroom, thereafter to attend to such work as is identified in terms of such report.

2.1.2 To submit to the tribunal an up to date and satisfactory Electrical Installation Condition report (EICR) in respect of the installations in the house for the supply of electricity and the electricity fixtures and fittings.

2.1.3 To install hard wired and interlinked smoke alarms in the hall and kitchen to ensure there is satisfactory provision for detecting fires and to give warning in the event of fire or suspected fire.

**2.2** At the reinspection visit on 27 April 2018 the following was found:

2.2.1 An invoice dated 27 April 2017 had been provided by Kemp Roofing Contractors Ltd on 21 February 2018 to explain what procedures had been carried out, and this had been forwarded to the Housing and Property Chamber by Mr Liton on 21 March 2018. This describes the work carried out and invoiced for £8997.60 and includes the repairs to the damaged gable elevation which was the likely source of the dampness in the bedrooms.

At the reinspection on 27 April 2018 damp meter readings were taken on the internal wall of the gable. The readings had improved since the original inspection on 23 January 2018, and the signs of dampness were noticeably less. If the rooms are kept heated and ventilated, then it is anticipated that the dampness should be minimised.

2.2.2 Copies of an up to date Gas Safe Certificate dated 1 December 2017 and Electrical Installation Condition Report dated 28 January 2018 had been provided by the landlord and show that both installations are satisfactory.

2.2.2 The smoke detection system in the hall and kitchen has been updated as required, but it is recommended that a hard wired smoke detector should be installed in the living room in order to meet current Scottish Government standards.

**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  
First Tier Tribunal for Scotland  
Housing and Property Chamber  
2 May 2018

**Appendix 1 – Photographs of 43/5 Durar Drive, Edinburgh**

**27 April 2018**

**West – gable elevation**



Bedroom 1 – south – reduced damp staining in corner



Bedroom 2 – north – reduced damp staining in corner



Damp meter reading on gable wall – low reading taken



Smoke Detection system in kitchen





Smoke detection system in hall

