

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/19/0709

Property: 92 Lower Bathville, Armadale, Bathgate, West Lothian, EH48 2JS
("the Property")

The Parties: Mrs Gillian Rodger, sometime residing at the Property ("the Tenant")
Mrs Donna Murray or Kerr, residing at 53 Dalryell Place, Armadale, Bathgate, EH48 2QB ("the Landlord")

Tribunal Members:
George Clark (Legal Member)
Greig Adams (Ordinary Member) (Surveyor)

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 issued on 28 May 2019 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

Right of Appeal

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 typewritten on this and the preceding page are executed by George Barrie Clark, solicitor, Lasswade, Legal

Member/Chair of the tribunal at Lasswade, Midlothian on 30 October 2019 before
this witness, Abigail Thomson, Glasgow Tribunal Centre, 20 York Street, Glasgow
G2 8GT

G Clark

Legal Member/Chair

A Thomson

witness

Abigail Thomson
Glasgow Tribunal Centre
20 York Street
Glasgow
G2 8GT

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 60 of the Housing (Scotland) Act 2006

Chamber ref: FTS/HPC/RP/19/0709

Property: 92 Lower Bathville, Armadale, Bathgate, West Lothian, EH48 2JS ("the Property")

The Parties: Mrs Gillian Rodger, sometime residing at the Property ("the Tenant")

Mrs Donna Murray or Kerr, residing at 53 Dalryell Place, Armadale, Bathgate, EH48 2QB ("the Landlord")

Tribunal Members:

George Clark (Legal Member)

Greig Adams (Ordinary Member) (Surveyor)

Decision

The Tribunal determined that all the work required by the Repairing Standard Enforcement Order issued on 28 May 2019 has been carried out and that a Certificate of Completion to that effect should be issued.

Background:

The Tribunal issued a Decision on 28 May 2019 requiring the Landlord to comply with a Repairing Standard Enforcement Order (RSEO) relative to the property. The Tribunal ordered that the works specified in the RSEO were to be carried out by 18 June 2019.

A re-inspection was undertaken on 24 July 2019 which found that works were incomplete.

A further re-inspection was undertaken by the Ordinary Member of the Tribunal on 9 October 2019. Mr Billy Kerr represented the Landlord. The Tenant had vacated the property, so was not present or represented.

A file of photographs, taken at the re-inspection is attached to and forms part of this Statement of Decision.

The Repairing Standard Enforcement Order (RSEO): The RSEO required the Landlord by 18 June 2019:

- a) To repair or replace all of the windows in the property, with the exception of the bathroom window, so that they are in a reasonable state of repair and in proper working order.
- b) To repair the defective smooth cement render base course located below the Living Room window.
- c) To repair or replace the consumer unit so that it is in a reasonable state of repair and in proper working order.
- d) To produce an Electrical Installation Condition Report (EICR) by a duly qualified and registered electrician and to carry out any work identified in the EICR as category C1 or C2.
- e) Once parts (c) and (d) are completed, to produce a further EICR by a duly qualified and registered electrician showing no C1 or C2 defects.

Following the re-inspection on 9 October 2019, the Ordinary Member reported that:

- a) The Landlord had replaced the windows serving the Property with PVC double glazed units and that previous outstanding sealant works had been completed.
- b) Re-rendering works had been completed to the smooth cement render base course located below the Living Room window.
- c) The consumer unit had been replaced and was found to be in good order.
- d) An acceptable EICR has been provided to the Tribunal prior to the re-inspection.
- e) Remedial works had already been completed to alleviate all C1 and C2 electrical issues.

Reasons for Decision

The Tribunal is satisfied that all the work required by the Repairing Standard Enforcement Order has been completed.

The Decision of the Tribunal is unanimous.

Right of Appeal

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.

G Clark

Signed

Legal Member/Chairperson

Date 30 October 2019

*This is the Schedule of Photographs
referred to in the finding, dated
of Decision*
G Clark
Inspector

Housing and Property Chamber First-tier Tribunal for Scotland



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

Re-Inspection Report

Chamber Ref: FTS/HPC/RT/19/0709



**Property: 92 Lower Bathville, Armadale, Bathgate, West Lothian, EH48 2JS
("the Property")**

The Parties:-

**Mrs Gillian Rodger, residing at the property
("the Tenant")**

**Mrs Donna Murray or Kerr, residing at 53 Dalzell Place, Armadale, Bathgate,
EH48 2QB
("the Landlord")**

The Tribunal consisted of:-

**Patricia Anne Pryce
Greig Adams**

- **Legal Member**
- **Ordinary Member (Surveyor)**

Background: The Tribunal issued a Decision on 28 May 2019 requiring the Landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property. The Tribunal ordered that the works specified in the RSEO were to be carried out within 21 days from the date of service of the Notice, that is by 18 June 2019.



On 4 June 2019, the Tribunal received from the Landlord a request to vary the time limit within the RSEO. The Tribunal refused the Landlord's request and issued a decision stating the reasons for this on 19 June 2019.

By email dated 1 July 2019, the Landlord applied to the Tribunal for permission to appeal the determination of the Tribunal of 19 June 2019. The Tribunal refused to give permission to appeal.

A re-inspection was then undertaken on 24 July 2019 which found that works were incomplete.

Access: The re-inspection was undertaken on Wednesday 9 October 2019 by Mr Adams, Ordinary Member of the Tribunal. The inspection extended to a survey of the outstanding specified works detailed within the RSEO. Mr Adams was accompanied throughout the inspection by Mr Billy Kerr as Landlord Representative.

Purpose of Re-inspection: The purpose of the re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order has been completed.

Works required under the Repairing Standard Enforcement Order (RSEO): The RSEO required the Landlord:

- (a) To repair or replace all of the windows in the property, with the exception of the bathroom window, so that they are in a reasonable state of repair and in proper working order.
- (b) To repair the defective smooth cement render base course located below the Living Room window.
- (c) To repair or replace the consumer unit so that it is in a reasonable state of repair and in proper working order.
- (d) To produce an Electrical Installation Condition Report (EICR) by a duly qualified and registered electrician and to carry out any work identified in the EICR as category C1 or C2.
- (e) Once parts (c) and (d) are completed, to produce a further EICR by a duly qualified and registered electrician showing no C1 or C2 defects.

The Tribunal ordered that the works specified in the Order must be carried out by 18 June 2019.

The re-inspection found:

- (a) The Landlord had replaced the windows serving the Property with PVC double glazed units and that previous outstanding sealant works had been completed.
- (b) Re-rendering works had been completed to the smooth cement render base course located below the Living Room window.
- (c) The consumer unit had been replaced and was found to be in good order.
- (d) An acceptable EICR has been provided to the Tribunal prior to the re-inspection.



(e) Remedial works had already been completed to alleviate all C1 and C2 electrical issues.

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.

G Adams

Greig Adams BSc (Hons) FRICS C. Build E FCABE LETAPAEWE
Surveyor Member
First-tier Tribunal for Scotland (Housing and Property Chamber)

Appendix A – Photographic Record



1 General view of front elevation.



2 Rendering below Living Room window.



3 Sealant to underside of window.



4 Entrance door.



5 Gable elevation – window replacement and sealant complete.



6 Gable elevation – window replacement and sealant complete.



7 Gable elevation – windows replaced and sealant complete.



8 Rear elevation, ground floor window.



9 Rear elevation ground floor window.



10 Rear elevation.



11 Front elevation, first floor.



12 Internal plaster repairs at Living Room.