

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

Chamber Ref: FTS/HPC/RP/17/0091

Title no/Sasines Description: BER7290

Property Address: Garden House, Ayton Castle, Eyemouth TD14 5RD ("the house")

The Parties: Ms Moira Brown, Garden House, Ayton Castle, Eyemouth, TD14 5RD ("the tenant")

Mr Brian Parsons and Mr Richard Syred ("the landlords")

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as was appropriate for determining whether the landlords have complied with the Repairing Standard Enforcement Order (RSEO) in relation to the property concerned and taking account of the subsequent re-inspection of the property, determined that the landlords have 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 way of decision dated 19 May 2017 the tribunal issued a determination that the landlords failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The tribunal had placed an RSEO on the property dated 9 June 2017 requiring the landlords:-
 - (a) to ensure the water system provided a water supply that was wholesome and that the work specified in the order must be carried out and completed within a period of six months from the date of service of the notice.
3. On 9 February 2018 a re-inspection of the property was carried out by Mrs Debbie Scott, Ordinary Member and Qualified Surveyor of the tribunal. The weather was fair and cold. The tenant remained in occupation. In attendance along with the Ordinary Member was the tenant and Mr Simon Jones, factor for the landlords.
4. In relation to the works to be undertaken a large cast iron pipe was dug out at the side of the house tracing about ten metres of lead pipe from there into the kitchen and the lead piping was replaced with plastic piping. Following upon these works Scottish Borders Council carried out further tests on 20 July 2017 and the results showed that the water once again did not comply with the current recommended levels of lead.
5. Following upon this the kitchen tap with Water Regulations Advisory Scheme (WRAS) approved tap and replacement of 6 brass elbows with plastic elbows was undertaken. A

further water test was undertaken on 14 September 2017 which once again disclosed higher than acceptable levels of lead.

6. Thereafter the landlord appointed contractors in order to connect the house to the nearest mains supply. On 3 November 2017 the landlords instructed Borders Council to test the existing water supply at a sampling point where it entered into the Estate. The water tested clear at the sample point. The landlords decided to proceed with connecting the Garden House to the mains supply.
7. On the re-inspection date of 9 February 2017 it was noticed that works were underway to connect the house to the mains water supply. The mains water supply cannot be connected until Scottish Water inspect and authorise the installation.
8. Subsequent to the inspection taking place the tenant confirmed that on 16 February 2018 the house was connected to the mains water supply. That was confirmed on the same date by the landlords' legal representative.
9. By letter dated 8 May 2018 Scottish Water have confirmed that following upon a visit to the property on 12 April 2018 a water sample was taken and subsequently tested and that the test was that the water is safe to use and drink.
10. Accordingly the tribunal finds that the work as required to be undertaken in the Repairing Standard Enforcement Order has been undertaken.

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

..... 21.5.18

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 Reference: FTS/HPC/RP/17/0091

Title Number: BER7290

Property Address: Garden House, Ayton Castle, Eyemouth TD14 5RD ("the house")

The Parties:- Ms Moira Brown, Garden House, Ayton Castle, Eyemouth, TD14 5RD ("the tenant")

Mr Brian Parsons and Mr Richard Syred ("the landlords")

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 9 June 2017 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

10.11.17 Place of signing

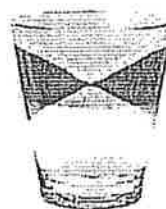
20. Hopeclough Street... Witness address

21.11.17 Date of signing

Edinburgh

E.H.F. L.G.H.

8th May 2018



**Scottish
Water**

Trusted to serve Scotland

Mr Simon Jones
Ayton Castle,
Eyemouth,
TD14 5RD

SCOTTISH WATER

Castle House
6 Castle Drive
Dunfermline
KY11 8GG

Customer Helpline

T: 0800 0778 778

F: 0131 445 6796

W: www.scottishwater.co.uk

E: customer.service@scottishwater.co.uk

Dear Mr Jones

Water Quality: (Reference SR 6506262)

Following the recent visit our representative made to Garden House, Ayton Castle, Eyemouth, TD14 5RD on 12th April 2018 to take a water sample for laboratory testing, I can confirm that the tap water is safe to use and drink

The sample taken on 12th April 2018 meets the standards detailed in *The Public Water Supplies (Scotland) Regulations 2014*, with the exception of iron. These are the regulations that establish our drinking water quality standards in Scotland. The iron level was reported at 212ugFe/l, the PCV is 200ugFe/l. Localised flushing was carried out on the water network in the area. A further sample was taken post flushing on 27th April 2018. This sample has been reported as satisfactory for iron, at 151ugFe/l.

I have enclosed the laboratory test reports for your information.

I hope this information reassures you. If you would like to discuss this letter please call our Customer Helpline on 0800 0778778 and ask for the Public Health Team.

Yours sincerely

Sarah Rodgers
Public Health Scientist (Public Health Team)



Edinburgh Laboratory
 Juniper House
 Heriot Watt Research Park
 Avenue North
 Edinburgh
 EH14 4AP

Test Report

Scottish Water

Trusted to serve Scotland

Tel: 01382 563299
 Email: ScientificServicesProjects@scottishwater.co.uk

Report Version : 1
 Report Date : 18-Apr-2018
 Report No. : 769245

Customer: Elaine Noble
 Scottish Water
 Fairmilehead Office
 55 Buckstone Terrace
 Edinburgh
 EH10 6XH

Matrix: Potable Water
 Sampling Reason: Taste and/or Odour
 Date Sampled: 12-Apr-2018 Time: 9:10 am
 Date Received: 12-Apr-2018 Time: 8:31 pm
 Laboratory Ref.: 11039335
 Sampler ID: Unlabeled Sampler

Loc./Address: GARDEN HOUSE, Aylton Castle, EYEMOUTH, TD14 5RD, TD14 5RD

Method	Determinand	Result Value	Test Started	Out of Spec	Specification
E/MD03	Colony count at 22°C	2 cfu/ml	12-Apr-2018		
E/MD03	Colony count at 37°C	0 cfu/ml	12-Apr-2018		
E/MD00	Coliform bacteria	0 CFU in 100ml	12-Apr-2018		
E/MD08	E. coli	0 CFU in 100ml	12-Apr-2018		
E/MD05	Clostridium perfringens (incl. spores)	0 CFU in 100ml	12-Apr-2018		
E/MD04	Enterococci	0 CFU in 100ml	12-Apr-2018		
E/D58	Qualitative Odour	None	13-Apr-2018		
E/D58	Qualitative Taste	None	13-Apr-2018		
E/D58	Quantitative odour	0 Dilution number	13-Apr-2018		
E/D58	Quantitative taste	0 Dilution number	13-Apr-2018		
S01 (# -)	Free chlorine	0.08 mg/l			
S01 (# -)	Total chlorine	0.75 mg/l			
E/CO78	Alkalinity	27 mgHCO ₃ A	13-Apr-2018		
E/CO28 (#)	Appearance	Very slightly coloured yellow	13-Apr-2018		
E/GIC003/IC002/IN 32	Colour	2 mg/l Pt/Co	13-Apr-2018		
E/GIC003/IN 38	Conductivity	129 µS/cm at 20°C	13-Apr-2018		
E/GIC003/IN 37	Hydrogen ion	7.3 pH value	13-Apr-2018		
E/GIC003/IN 33	Turbidity	0.0 NTU	13-Apr-2018		
E/ICPOES1/GIC001	Aluminium	13 µgAl/l	13-Apr-2018		
E/GIC001	Copper	0.004 mgCu/l	13-Apr-2018		
E/ICPOES1/GIC001	Iron	212 µgFe/l	13-Apr-2018	☐	PCV <= 200
E/ICPOES1/GIC001	Manganese	9.2 µgMn/l	13-Apr-2018		
E/GIC001	Lead	0.4 µgPb/l	13-Apr-2018		
E/GIC001	Zinc	0 µgZn/l	13-Apr-2018		

Details of the test method(s) used and performance characteristics of the method(s) are available on request.

Authorising Signature:

David McMullan - Laboratory Manager

DISCLAIMER(S)

Sampling is not included in the current scope of accreditation

All microbiological parameters are confirmed results unless stated otherwise.

Opinions and interpretations expressed herein are outside the scope of UKAS accreditation. Comments are not covered by UKAS.

Unless otherwise stated - condition of the sample on receipt was satisfactory

KEYS Method :- Testing laboratory - E = EDINBURGH

(#) = Non UKAS Accredited (*) = Accredited under flexible scope (-) = Sub Contracted (-) = Sampling / On-Site Testing

Specification :- PCV = Prescribed Concentration Value TUV = Threshold Limit Value



Edinburgh Laboratory

Juniper House
Heriot Watt Research Park
Avenue North
Edinburgh
EH14 4AP

Test Report

Scottish Water

Trusted to serve Scotland

Tel: 01382 563299

Email: ScientificServicesProjects@scottishwater.co.uk

Report Version : 1

Report Date : 02-May-2018

Report No. : 770497

Customer: Elaine Noble
Scottish Water
Fairmilehead Office
55 Buckstone Terrace
Edinburgh
EH10 6XH

Matrix: Potable Water
Sampling Reason: Resample
Date Sampled: 27-Apr-2018 Time: 8:40 am
Date Received: 27-Apr-2018 Time: 5:43 pm
Laboratory Ref.: 11888441
Sampler ID: Unlisted Sampler

Loc./Address: GARDEN HOUSE, Aylon Castle, EYEMOUTH, TD14 5RD, TD14 5RD

Method	Determinand	Result Value	Test Started	Out of Spec	Specification
E/MD03	Colony count at 22°C	0 cfu/ml	27-Apr-2018		
E/MD03	Colony count at 37°C	0 cfu/ml	27-Apr-2018		
E/MD08	Gut/om bacteria	0 CFU in 100ml	27-Apr-2018		
E/MD08	E. coli	0 CFU in 100ml	27-Apr-2018		
E/MD05	Clostridium perfringens (incl. spores)	0 CFU in 100ml	27-Apr-2018		
Comment	No sampling date supplied, result may not represent the level at time of sampling				
E/MD04	Enterococci	0 CFU in 100ml	27-Apr-2018		
S01 (# ~)	Free chlorine	0.05 mg/l			
S01 (# ~)	Total chlorine	0.54 mg/l			
E/ACPOES1/GIC001	Iron	151 µg/l	29-Apr-2018		

Details of the test method(s) used and performance characteristics of the method(s) are available on request.

Authorising Signature:

David McMullan - Laboratory Manager

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Unless otherwise stated - condition of the sample on receipt was satisfactory.

KEYS

Method :- Testing laboratory - E = EDINBURGH

(#) = Non UKAS Accredited (*) = Accredited under flexible scope (*) = Sub Contracted (-) = Sampling / On-Site Testing

Specification :- CFU = Bacterial Concentration Units TUV = Threshold Limit Value