

Housing and Property Chamber First-tier Tribunal for Scotland



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

Certificate of Completion of Work under Section 60 of the Housing (Scotland) Act 2006 as amended (“the Act”)

Chamber Ref: FTS/HPC/RT/18/0426

Title no/Sasines Description: All and whole the subjects known as and forming 2 Corberry Place (otherwise known as 2C Corberry Place), lying in the former Burgh and County of Dumfries and now in the area administered by Dumfries and Galloway Council and for the purposes of registration of writs in the County of Dumfries being those described in the Disposition by Charles Roberts in favour of George Murdoch dated the Eleventh and recorded in the New Particular Register of Sasines, Reversions et cetera kept for the Royal Burgh of Dumfries on the Fifteenth, both days of May , Nineteen Hundred and Seven

The Cottage, 2c Corberry Place, Troqueer Road, Dumfries, DG2 7ST
 (“the House”)

The Parties:-

Mr Robert Rome, Strategic Housing Services, Dumfries and Galloway Council, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD
 (“the Third-Party Applicant”)

Mrs Betty Alder, Hanwell House, Ruthwell, Dumfries DG1 4NU;
Mr Johannes Maxwell Gerhard Alder, 84 Glasgow Road, Paisley PA1 3PN;
Maxwell William Edward Alder, 86A Queensberry Street, Dumfries DG1 1BG;
Mr Mark David Alder, Hanwell House, Ruthwell, Dumfries DG1 4NU
 (“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 (“RSEO”)** relative to the House dated 16 June 2018 has been completed. Accordingly, the said RSEO relative to the House has been discharged.

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.

In terms of Section 63 of the Act, 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 Susan Christie, legal member of the Tribunal, at Glasgow on 5th February 2019 in the presence of the undernoted witness: -

G Christie

witness

S Christie

Legal member

George Harvey Christie name in full

5 Albert Drive,
Glasgow G733RT address

Housing and Property Chamber First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/RT/18/0426

Title no/Sasines Description: All and whole the subjects known as and forming 2 Corberry Place (otherwise known as 2C Corberry Place), lying in the former Burgh and County of Dumfries and now in the area administered by Dumfries and Galloway Council and for the purposes of registration of writs in the County of Dumfries being those described in the Disposition by Charles Roberts in favour of George Murdoch dated the Eleventh and recorded in the New Particular Register of Sasines, Reversions et cetera kept for the Royal Burgh of Dumfries on the Fifteenth, both days of May , Nineteen Hundred and Seven

**The Cottage, 2c Corberry Place, Troqueer Road, Dumfries, DG2 7ST
("the House")**

The Parties: -

**Mr Robert Rome, Strategic Housing Services, Dumfries and Galloway Council,
Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD
("the Third-Party Applicant")**

**Mrs Betty Alder, Hanwell House, Ruthwell, Dumfries DG1 4NU;
Mr Johannes Maxwell Gerhard Alder, 84 Glasgow Road, Paisley PA1 3PN;
Maxwell William Edward Alder, 86A Queensberry Street, Dumfries DG1 1BG;
Mr Mark David Alder, Hanwell House, Ruthwell, Dumfries DG1 4NU
("the Landlord")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprised: -

**Susan Christie - Legal/Chairing Member
Mike Links - Ordinary (Surveyor) Member**

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 has complied with the Repairing Standard Enforcement Order (RSEO) relative to the House dated 16 June 2018 determined that the Landlord has complied with the Order and that a Certificate of Completion to that effect should be issued.

Background

1. The Tribunal issued a Decision dated 16 June 2018 requiring the Landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the House.
2. The RSEO required the Landlord:
 - a) To repair or replace the front door of the House to ensure that the House is wind and watertight and in all other respects reasonably fit for human habitation; all work to be done in such a manner which is consistent and compliant with all necessary Local Authority permissions and conditions attached,
 - b) To repair or replace all windows of the House to ensure the House is wind and watertight and in all other respects reasonably fit for human habitation;
 - c) To monitor, inspect and carry out any remedial works required to eradicate the damp on the external gable wall in the fitted cupboard in the second bedroom of the House, to ensure the House is wind and watertight and in all other respects reasonably fit for human habitation.The Tribunal ordered that the works specified in this Order must be carried out and completed within the period six months from the date of service of the Notice.

The re-inspection

3. On 11 January 2019, the Ordinary Member (Surveyor) re-inspected the House. He found that all works in the Repairing Standard Enforcement Order had been completed satisfactorily since the original inspection. A copy of the re-inspection Report is attached to this Decision.
4. The re-inspection Report was issued to the Parties on 16 January 2019 and had until 30 January 2019 to provide a response.
5. The Parties responded and agreed with the findings of the Re-Inspection Report and did not wish a Hearing.

Findings in fact

- I. The front door of the House has been replaced.
- II. The Rear and Gable elevation windows of the House have been replaced.
- III. The damp on the external gable wall in the fitted cupboard in the second bedroom of the House has been eradicated.
- IV. The works required under the original RSEO have been completed and the House is wind and watertight and in all other respects reasonably fit for human habitation.

Reasons for Decision

6. The Tribunal considered the findings of the Surveyor Member who re-inspected the House and found that the works specified in the RSEO had been completed since the original inspection. There were no adverse comments over the replacement of the door and windows from the Third Party Applicant following upon the re-inspection. The damp meter reading in the bedroom cupboard was now showing as dry, meaning the wall had dried out following upon remedial work having been undertaken.

Summary of Decision

7. The Tribunal accordingly determined that the Landlord had complied with the RSEO and proceeded to issue a Certificate of Completion.
8. 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.

S Christie

Signed

Susan Christie, Legal Member

Date 5 February 2019

5th February 2019

This is the re-inspection Report referred to in the Decision
of even date herof under Reference FTS/HPC/RT/18/0426

S Christie

Legal Member

Housing and Property Chamber
First-tier Tribunal for Scotland



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

RE-INSPECTION REPORT



PROPERTY: The Cottage, 2c Corberry Place, Troqueer Road, Dumfries DG2 7ST

HPC REF No: FTS/HPC/RT/18/0426

SURVEYOR: Mike Links

IN ATTENDANCE: Mrs Alder (Landlord)

Mr D Craig (Venue Assistant)

WEATHER: Dry and overcast.

ACCESS: I re-inspected the property on Friday, 11th January 2019 at 10.30am

RSEO:

The following works are required by the RSEO following on from the Inspection and Hearing on 30th May 2018.

a) To repair or replace the front door of the House to ensure that the House is wind and watertight and in all other respects reasonably fit for human habitation; all work to be done in such a manner which is consistent and compliant with all necessary Local Authority permissions and conditions attached,

b) To repair or replace all windows of the House to ensure they are wind and watertight and in all other respects reasonably fit for human habitation;

c) To monitor, inspect and carry out any remedial works required to eradicate the damp on the external gable wall in the fitted cupboard in the second bedroom of the House, to ensure the House is wind and watertight and in all other respects reasonably fit for human habitation.

WORKS IN RSEO UNDERTAKEN:

Items a), b) and c) as noted above have been completed satisfactorily.



New front door.



Rear elevation – new windows.



Rear elevation – new window.



Gable elevation – new windows.



Bedroom cupboard – “dry” reading.

WORKS IN RSEO OUTSTANDING:

None.

RECOMMENDATION:

Once the re-inspection report is forwarded to the Landlord and Third party for comment the Tribunal will then decide what further action is required.

Mike Links

Ordinary Member (Surveyor)

Housing and Property Chamber

Date: 12th January 2019