

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 26 (1) of the Housing (Scotland) Act 2006

**Property: Flat G/2 or Westmost Ground Floor Flat, 4 Tullideph Road,
Dundee DD2 2PN (“the Property”)**

Chamber Reference: FTS/HPC/RP/17/0288

**Mr Mark McKay, sometime residing at Flat G/2 or Westmost Ground
Floor Flat, 4 Tullideph Road, Dundee DD” 2PN (“the Tenant”)**

**Mr Norman Pollock, residing at 16 Benvie Road, Fowlis, by Dundee DD2
5SA (“the Landlord”)**

**Tribunal Members –Mr George Clark (Legal Member/Chair) and Mrs Sara
Hesp (Ordinary Member/Surveyor)**

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 carried out the works required by the Repairing Standard Enforcement Order (“the Order”) made in respect of the Property on 2 November 2017, as varied by Variation dated 4 April 2018, determined that the work required by the Order has been carried out and that a Certificate of Completion should be issued.

Background

1. On 2 November 2017, the Housing and Property Chamber of the First-tier Tribunal for Scotland determined, following an inspection and hearing, that 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 Tribunal made a Repairing Standard Enforcement Order requiring the Landlord:
 - (a) To provide an Electrical Installation Condition Report (EICR) showing the electrical installation reaches a satisfactory standard with no C1 or C2 items reported and it to be dated after the date of the inspection by the

Tribunal. The aforesaid EICR should be carried out by a suitably qualified and registered SELECT or NICEIC electrical contractor

(b) To replace the sealant around and behind the sink in the kitchen to ensure that it is in good order and that further damage is not caused by the condition of the sealant,

(c) To provide smoke detectors in the hall and living room and a heat detector in the kitchen to ensure the house has satisfactory provision for giving warning in the event of fire or suspected fire. This should be in accordance with the Domestic Technical Handbook (revised 2016) as issued by the Scottish Government,

(d) To re-plaster the living room ceiling and make good any decoration that is affected by undertaking this,

(e) To replace all worn and holed carpets in the living room and bedroom so that they are capable of being used safely,

(f) To ensure that the bathroom fixtures, fittings and appliances provided by the Landlord under the tenancy are capable of being used safely for the purpose for which they are designed, namely the shower unit, bath panel and the extractor fan (including attaching a grill to the external end of the extractor fan outlet),

(g) To replace and make good the tiles on the bathroom wall adjacent to the shower unit,

(h) To replace the sealant around bath to ensure that it is in good order and ensure that further damage is not caused by the condition of the sealant,

(i) To repair the light switch in the hall such that the light switch is in proper working order,

(j) To replace and fit the bedroom door handle such that the door handle is in proper working order.

3. The Tribunal reinspected the Property on the morning of 4 April 2018.
4. Following the inspection, the tribunal held a hearing at Kirkton Community Centre, Derwent Avenue, Dundee DD3 0AX and determined that the Landlord had not carried out the work required by the Order, but that, as the Property was undergoing a complete renovation, an extension of time should be granted for the completion of the work.
5. The Ordinary Member/Surveyor reinspected the Property on the morning of 20 July 2018. A copy of the Reinspection Report is attached to and forms part of this Statement of Decision.

Findings of fact

6. The tribunal makes the following findings of fact:

- The Property has undergone major renovation.
- The Tribunal has seen a satisfactory Electrical Installation Condition Report prepared by a SELECT contractor.
- The kitchen has been replaced and the sealant is new.
- Smoke detectors have been installed in the hall and living room, together with a heat detector in the kitchen, in accordance with the Domestic Technical Handbook (revised 2016) as issued by the Scottish Government.
- The living room ceiling has been replastered and redecorated.
- The carpets in the living room and the bedroom have been replaced.
- The bathroom fittings, fixtures and appliances have all been renewed and a grill has been fitted to the external end of the extractor outlet.
- The bathroom walls have been redecorated and a wet wall has been installed in the shower area.
- The sealant in the bathroom has been replaced.
- The light switch in the hall has been repaired and is in proper working order.
- The bedroom door handle has been replaced.
- All the work required by the Order has been carried out.

Reasons for the decision

7. The Tribunal is satisfied that all the work required by the Order has been carried out. Accordingly, a Certificate of Completion of Work should be issued.

8. The decision of the tribunal was 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
Date: 10 August 2018

..... Legal Member/Chairperson



Re-inspection report

*This is the Re-inspection
Report referred to in
the finding Decision
of 10 August 2018
G Clark
/ Legal Services/Chair*



Ground floor flat – front elevation – 28 September 2017

Property: Flat G/2 or Westmost, 4 Tullideph Road, Dundee DD2 2PN

Ref no: FTS/HPC/RT/17/0288

Surveyor: Sara Hesp LLB(Hons) BA(Hons) MRICS ACI Arb

Access:

I re-inspected the subject property on 20 July 2018 at 10 am. Access was provided by the landlord, Mr Norman Pollok. The property was unoccupied.

The weather was warm and cloudy, although there had been rain the previous night.

Purpose of re-inspection:

The purpose of this re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order, as varied and issued on 3 May 2018, had been completed. The property had originally been inspected by the Tribunal on 28 September 2017.

Under the Repairing Standard Enforcement Order, the landlord had been required:

(a) To provide an Electrical Installation Condition Report (EICR) showing the electrical installation reaches a satisfactory standard with no C1 or C2 items reported and it to be dated after the date of the inspection by the Tribunal. The aforesaid EICR should be carried out by a suitably qualified and registered SELECT or NICEIC electrical contractor

(b) To replace the sealant around and behind the sink in the kitchen to ensure that it is in good order and that further damage is not caused by the condition of the sealant,

(c) To provide smoke detectors in the hall and living room and a heat detector in the kitchen to ensure the house has satisfactory provision for giving warning in the event of fire or suspected fire. This should be in accordance with the Domestic Technical Handbook (revised 2016) as issued by the Scottish Government,

(d) To re-plaster the living room ceiling and make good any decoration that is affected by undertaking this,

(e) To replace all worn and holed carpets in the living room and bedroom so that they are capable of being used safely,

(f) To ensure that the bathroom fixtures, fittings and appliances provided by the Landlord under the tenancy are capable of being used safely for the purpose for which they are designed, namely the shower unit, bath panel and the extractor fan (including attaching a grill to the external end of the extractor fan outlet),

(g) To replace and make good the tiles on the bathroom wall adjacent to the shower unit,

(h) To replace the sealant around bath to ensure that it is in good order and ensure that further damage is not caused by the condition of the sealant,

(i) To repair the light switch in the hall such that the light switch is in proper working order,

(j) To replace and fit the bedroom door handle such that the door handle is in proper working order.

Work completed:

The property has been entirely refurbished and all fixtures and fittings replaced since the former tenant vacated the property.

a) A satisfactory EICR, prepared by a registered SELECT contractor, has been provided by the landlord and a copy is attached at *Appendix 1*.

b) The kitchen sink has been replaced and the sealant is new. See *Photographs 1 and 2* below.



Photograph 1- Kitchen: general view



Photograph 2- Kitchen: sink

c) Smoke detectors have been installed in the hall and living room together with a heat detector in the kitchen in accordance with the Domestic Technical Handbook (revised 2016) as issued by the Scottish Government. See *Photographs 3, 4 and 5 below.*



Photograph 3 – Hall: smoke detector



Photograph 4 –Kitchen: heat detector



Photograph 5 – Living Room: smoke detector and ceiling

d) The living room ceiling has been replastered and redecorated. See *Photograph 5* above.

e) The carpets in the living room and the bedroom have been replaced. See *Photographs 6 and 7* below.



Photograph 6 – Living Room: carpet



Photograph 7 – Bedroom: carpet

f) The bathroom fittings, fixtures and appliances have all been renewed. A grill has been fitted to the exterior exit of the extractor outlet.



Photograph 8 – Bathroom: general view

h) The sealant in the bathroom has been replaced. See *Photograph 10* on previous page.

i) The light switch in the hall has been repaired and the cover replaced and it is in proper working order.



Photograph 11 – Hall: light switch

j) The bedroom door handle has been replaced.



Photograph 12 – Bedroom: door handle

Outstanding matters:

There are no outstanding matters.

Comments

This report will be distributed to the parties and their representatives for their comment. It will be referred afterwards to the Tribunal for consideration and further action if appropriate.

Unless stated otherwise, photographs contained in this report were taken on 20 July 2018 during the re-inspection of the property.

Sara Hesp

Ordinary Member

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

27 July 2017



ELECTRICAL INSTALLATION CONDITION REPORT

(REQUIREMENTS FOR ELECTRICAL INSTALLATIONS
— BS 7671 (IET WIRING REGULATIONS))

SELECT
MEMBERSHIP
NUMBER
2112

This certificate is not valid if the
number is defaced or altered

EICR120425

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SECTION A. DETAILS OF THE CLIENT / PERSON ORDERING THE REPORT

Name: * 15 N. BELLOK
Address: * 16 BEVIC RD, BELLIS, DUNDEE

SECTION B. REASON FOR PRODUCING THIS REPORT

Reason: REPAIR & PATCH
Date(s) on which inspection and testing was carried out: 16/07/18

SECTION C. DETAILS OF THE INSTALLATION WHICH IS THE SUBJECT OF THIS REPORT

Occupier: VACANT
Address: 16 BEVIC RD, BELLIS, DUNDEE
Description of premises (Tick as appropriate): Domestic Commercial Industrial Other
Estimated age of the wiring system: ? years. Evidence of additions or alterations Yes No Not apparent
If "Yes" estimate age: ? years. Installation records available? (Regulation 621.1) Yes No Date of last inspection: 2016

SECTION D. EXTENT AND LIMITATIONS OF INSPECTION AND TESTING

Extent of the electrical installation covered by this report: All circuits in under 174 sq. D/Room
Agreed limitations including the reasons (Regulation 634.2): As below stated
Agreed with (name): Homeowner *
Operational limitations including the reasons: As below stated
The inspection and testing detailed in this report and accompanying schedules have been carried out in accordance with BS 7671:2008 (IET Wiring Regulations), as amended to 14/7/18. It should be noted that cables concealed within trunking and conduits, under floors, in roof spaces, and generally within the fabric of the building or underground have not been inspected unless specifically agreed between the client and inspector prior to the inspection. An inspection should be made within an accessible roof space housing other electrical equipment.

SECTION E. SUMMARY OF THE CONDITION OF THE INSTALLATION

General condition of the installation (in terms of electrical safety): Good, no significant issues
Overall assessment of the installation in terms of its suitability for continued use
SATISFACTORY / ~~UNSATISFACTORY~~ (Delete as appropriate)
*An unsatisfactory assessment indicates that dangerous (code C1) and/or potentially dangerous (code C2) conditions have been identified.

SECTION F. RECOMMENDATIONS

Where the overall assessment of the suitability of the installation for continued use above is stated as UNSATISFACTORY, I/we recommend that any observations classified as 'Danger present' (code C1) or 'Potentially dangerous' (code C2) are acted upon as a matter of urgency. Investigation without delay is recommended for observations identified as 'Further investigation required' (code F1). Observations classified as 'Improvement recommended' (code C3) should be given due consideration.
Subject to the necessary remedial action being taken, I/we recommend that the installation is further inspected and tested by 16/07/18 (date)

SECTION G. DECLARATION

I/We, being the person(s) responsible for the inspection and testing of the electrical installation (as indicated by my/our signatures below), particulars of which are described above, having exercised reasonable skill and care when carrying out the inspection and testing, hereby declare that the information in this report, including the observations and the attached schedules, provides an accurate assessment of the condition of the electrical installation taking into account the stated extent and limitations in Section D of this report.

Inspected and tested by:	Report authorised for issue by:
Name (Capitals) <u>David Scott</u>	Name (Capitals) <u>David Scott</u>
Signature <u>[Signature]</u>	Signature <u>[Signature]</u>
For/on behalf of <u>15 N. BELLOK</u>	For/on behalf of <u>15 N. BELLOK</u>
Position <u>REGISTERED ELECTRICIAN</u>	Position <u>REGISTERED ELECTRICIAN</u>
Address <u>15 N. BELLOK, BELLIS, DUNDEE</u>	Address <u>15 N. BELLOK, BELLIS, DUNDEE</u>
Date <u>16/07/18</u>	Date <u>16/07/18</u>

SECTION H. SCHEDULE(S) schedule(s) of inspection and schedule(s) of test results are attached.
The attached schedule(s) are part of this document and this report is valid only when they are attached to it.

SECTION I: SUPPLY CHARACTERISTICS AND EARTHING ARRANGEMENTS				
Earthing arrangements	Number and Type of Live Conductors		Nature of Supply Parameters	Supply Protective Device Characteristics
TN-C <input type="checkbox"/>	a.c. <input checked="" type="checkbox"/>	d.c. <input type="checkbox"/>	Nominal voltage, U/Um ⁽¹⁾	BS (EN):
TN-S <input type="checkbox"/>	1-phase, 2-wire <input checked="" type="checkbox"/>	2-wire <input type="checkbox"/>	Nominal Frequency, f ⁽¹⁾	Type:
TN-C-S <input checked="" type="checkbox"/>	2-phase, 3-wire <input type="checkbox"/>	3-wire <input type="checkbox"/>	Prospective fault current, Ipf ⁽²⁾	Rated current:
TT <input type="checkbox"/>	3-phase, 3-wire <input type="checkbox"/>	Other <input type="checkbox"/>	External loop impedance, Ze ⁽²⁾	
IT <input type="checkbox"/>	3-phase, 4-wire <input type="checkbox"/>			
		Confirmation of supply polarity <input type="checkbox"/>	(Note: (1) by enquiry, (2) by enquiry or by measurement)	
Other sources of supply <input type="checkbox"/> (as detailed on attached schedule)				

SECTION J: PARTICULARS OF INSTALLATION REFERRED TO IN THE REPORT			
Means of Earthing		Details of Installation Earth Electrode (where applicable)	
Distributor's facility <input checked="" type="checkbox"/>	Type (e.g. rod(s), tape etc)	Location	Electrode resistance to earth
Installation earth electrode <input type="checkbox"/>			
Main Protective Conductors			
Earthing conductor: material	csa	mm ²	Continuity/connection verified <input checked="" type="checkbox"/>
Main protective bonding conductors (to extraneous conductive parts): material	csa	mm ²	Continuity/connection verified <input type="checkbox"/>
To water installation pipes <input checked="" type="checkbox"/>	To gas installation pipes <input checked="" type="checkbox"/>	To oil installation pipes <input type="checkbox"/>	To structural steel <input type="checkbox"/>
To lightning protection <input type="checkbox"/>	To other <input type="checkbox"/>	Specify:	
Main Switch / Switch-Fuse / Circuit-Breaker / RCD			
Location	Current rating	A	If RCD main switch
BS (EN)	Fuse/device rating or setting	A	Rated residual operating current (I _{Δn})
No. of poles	Voltage rating	V	Rated time delay
		Measured operating time (at I _{Δn})	

SECTION K: OBSERVATIONS
 Referring to the attached Schedules of Inspection and Test Results, and subject to the limitations specified at Section D, Extent and Limitations of the Inspection and Testing: No remedial action is required The following observations are made:

Inspection Schedule Item No. or 'Test'	OBSERVATIONS	Classification Code C1, C2, C3 or FI (see below)
One of the adjacent Codes, as appropriate, has been allocated to each of the observations made above to indicate to the person(s) responsible for the installation the degree of urgency for remedial action.	Danger present. Risk of injury. Immediate action required. Potentially dangerous – urgent remedial action required. Improvement recommended. Further investigation required without delay.	C1 C2 C3 FI
<input type="checkbox"/> Additional observations are recorded on the following number of continuation sheet(s)		



**CONDITION REPORT INSPECTION SCHEDULE
EICR 120425**

OUTCOMES	Acceptable condition	Unacceptable condition	State C1 or C2	Improvement recommended	State C3	Further investigation	FI	Not verified	NV	Limitation	LIM	Not applicable	N/A
ITEM No.	DESCRIPTION												OUTCOME Use codes above. Provide additional comment where appropriate. C1,C2,C3 and FI coded items to be recorded in Section K of the Condition Report
1.0 DISTRIBUTOR'S SUPPLY INTAKE EQUIPMENT													
1.1													/
1.2													/
1.3													/
1.4													/
1.5													/
1.6													/
2.0 PRESENCE OF ADEQUATE ARRANGEMENTS FOR OTHER SOURCES SUCH AS MICROGENERATORS (551.6; 551.7)													
3.0 EARTHING / BONDING ARRANGEMENTS (411.1; 411.2; 411.3)													
3.1													/
3.2													/
3.3													/
3.4													/
3.5													/
3.6													/
3.7													/
3.8													/
4.0 CONSUMER UNIT(S) / DISTRIBUTION BOARD(S)													
4.1													/
4.2													/
4.3													/
4.4													/
4.5													/
4.6													/
4.7													/
4.8													/
4.9													/
4.10													/
4.11													/
4.12													/
4.13													/
4.14													/
4.15													/
4.16													/
4.17													/
4.18													/
4.19													/
4.20													/
4.21													/
4.22													/
4.23													/



CONDITION REPORT INSPECTION SCHEDULE (CONTINUED)
EICR 120425

OUTCOMES	Acceptable condition	Unacceptable condition	State C1 or C2	Improvement recommended	State C3	Further investigation FI	Not verified	N/V	Limitation	LIM	Not applicable	N/A
ITEM No.	DESCRIPTION											OUTCOME Use codes above. Provide additional comment where appropriate. C1, C2, C3 and FI coded items to be recorded in Section K of the Condition Report.
5.0 DISTRIBUTION - FINAL CIRCUITS												
5.1	Identification of conductors (514.3.1)											/
5.2	Cables correctly supported throughout their run (522.8.5)											/
5.3	Condition of insulation of live parts (416.1)											/
5.4	Non-sheathed cables protected by enclosure in conduit, ducting or trunking (521.10.1)											/
	a) To include the integrity of conduit and trunking systems (metallic and plastic)											/
5.5	Adequacy of cables for current-carrying capacity with regard for the type and nature of installation (Section 523)											/
5.6	Coordination between conductors and overload protective devices (433.1; 533.2.1)											/
5.7	Adequacy of protective devices: type and rated current for fault protection (411.3)											/
5.8	Presence and adequacy of circuit protective conductors (411.3.1.1; 543.1)											/
5.9	Wiring system(s) appropriate for the type and nature of the installation and external influences (Section 522)											/
5.10	Concealed cables installed in prescribed zones (see Section D. Extent and limitations) (522.6.202)											/
5.11	Cables concealed under floors, above ceilings or in walls/partitions, adequately protected against damage (see Section D. Extent and limitations) (522.6.201; 522.6.204)											/
5.12	Provision of additional protection by RCD not exceeding 30 mA											/
	a) for all socket-outlets of rating 20 A or less, unless an exception is permitted (411.3.3)											/
	b) for supply to mobile equipment not exceeding 32 A rating for use outdoors (411.3.3)											/
	c) for cables concealed in walls at a depth of less than 50 mm (522.6.202; 522.6.203)											/
	d) for cables concealed in walls/partitions containing metal parts regardless of depth (522.6.203)											/
5.13	Provision of fire barriers, sealing arrangements and protection against thermal effects (Section 527)											/
5.14	Band II cables segregated / separated from Band I cables (528.1)											/
5.15	Cables segregated / separated from communications cabling (528.2)											/
5.16	Cables segregated / separated from non-electrical services (528.3)											/
5.17	Termination of cables at enclosures - Indicate extent of sampling in Section D of the report (Section 526)											/
	a) Connections soundly made and under no undue strain (526.6)											/
	b) No basic insulation of a conductor visible outside enclosure (526.8)											/
	c) Connections of live conductors adequately enclosed (526.5)											/
	d) Adequately connected at point of entry to enclosure (glands, bushes etc.) (522.8.5)											/
5.18	Condition of accessories including socket-outlets, switches and joint boxes (621.2 (iii))											/
5.19	Suitability of accessories for external influences (512.2)											/
5.20	Adequacy of working space / accessibility to equipment (132.12; 513.1)											/
5.21	Single-pole switching or protective devices in line conductors only (132.14.1; 530.3.2)											/
6.0 LOCATIONS CONTAINING A BATH OR SHOWER												
6.1	Additional protection for all low voltage (LV) circuits by RCD not exceeding 30 mA (701.411.3.3)											/
6.2	Where used as a protective measure, requirements for SELV or PELV met (701.414.4.5)											/
6.3	Shaver sockets comply with BS EN 61558-2-5 formerly BS 3535 (701.512.3)											/
6.4	Presence of supplementary bonding conductors, unless not required by BS 7671:2008 (701.415.2)											/
6.5	Low voltage (e.g. 230 volt) socket-outlets sited at least 3 m from zone 1 (701.512.3)											/
6.6	Suitability of equipment for external influences for installed location in terms of IP rating (701.512.2)											/
6.7	Suitability of accessories and control gear etc. for a particular zone (701.512.3)											/
6.8	Suitability of current-using equipment for particular position within the location (701.55)											/
7.0 OTHER PARTS / SPECIAL INSTALLATIONS OR LOCATIONS												
7.1	List all other special installations or locations present, if any. (Record separately the results of particular inspections applied.)											/

Inspected by: NAME (CAPITALS) James Cooper

Signature [Signature]

Date 14/07/05

2015

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CIRCUIT CHART AND SCHEDULE OF TEST RESULTS (18 CIRCUITS)

Details of circuits and/or installed equipment vulnerable to damage when testing



Distribution Board Reference No. 40 New York St
 Location and Type 1st Floor Commercial Unit 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120

Phase sequence confirmed (where appropriate)

Supply polarity confirmed

CIRCUIT DETAILS

No	Circuit Description	No of Points (see code below)	Wiring Details		Overcurrent Device Breaking Capacity (kA)	Continuity		Insulation Resistance (lowest values measured)	Po- larity	Z	RCD Protection		Funo- tional testing	Remarks
			mm	csa		R1+R2 or RZ	Ring Final Circuit				MΩ	Time (ms)		
1														
2														
3														
4	Sockets	12	A	2.5	32	0.14	0.56	0.67	0.4	0.09	30	37	13	
5	Sockets	3	A	2.5	32	0.14	0.56	0.67	0.4	0.09	30	37	13	
6	Sockets	3	A	2.5	32	0.14	0.56	0.67	0.4	0.09	30	37	13	
7	Sockets	1	A	2.5	32	0.14	0.56	0.67	0.4	0.09	30	37	13	
8	Light fittings	1	A	2.5	32	0.14	0.56	0.67	0.4	0.09	30	37	13	
9	Light fittings	1	A	2.5	32	0.14	0.56	0.67	0.4	0.09	30	37	13	
10	Light fittings	13	A	2.5	32	0.14	0.56	0.67	0.4	0.09	30	37	13	

TEST INSTRUMENTS USED

Code for Wiring Type	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O (Other - please specify)
Manufacturer															
Type															
Serial No.															
Date Accuracy Verified															
Manufacturer															
Type															
Serial No.															
Date Accuracy Verified															

2015 Tested by: NAME (CAPITALS) Signature Date Page 5 of 5