

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**Certificate of Completion of Work  
under Section 60 (5) (b) of the Housing (Scotland) Act 2006 Chamber Ref:  
PRHP/RP/16/0151**

**12 Kilndale Terrace, Kirkcudbright, DG6 4BX being subjects registered in Land  
Register of Scotland under Title Number KRK9350**

**("the House")**

**The Parties:-**

**Miss Eileen Wright sometime residing at the House ("The Tenant").**

**Ms Debbie Mathieson residing at 22 Erconwald Street, London, W12 0BS ('The  
Landlord')**

### **Certificate of Completion**

**First-tier Tribunal hereby certifies that the work required by the Repairing  
Standard Enforcement Order relative to the Property dated 18th August 2016  
has been completed. Accordingly the said Repairing Standard Enforcement  
order relative to the Property 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.**

**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.

This and the preceding page signed at Kilwinning on 11<sup>th</sup> January 2016 by Martin J. McAllister, Solicitor,  
Legal Member of the Housing and Property Chamber of the First-tier Tribunal for Scotland before Audrey Boylan, Witness, 83 Main Street, Kilwinning KA13 6AN.

A Boylan

M McAllister

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**Determination: Statement relative to Certificate of Completion of work issued under Section 60 of the Housing (Scotland) Act 2006**

**Chamber Ref: PRHP/RP/16/0151**

**12 Kilndale Terrace, Kirkcudbright, DG6 4BX being subjects registered in Land Register of Scotland under Title Number KRK9350**

**("the House")**

**The Parties:-**

**Miss Eileen Wright sometime residing at the House ("The Tenant").**

**Ms Debbie Mathieson residing at 22 Erconwald Street, London, W12 0BS ('The Landlord')**

### **Background:**

1. On 18<sup>th</sup> August 2016 the private rented housing committee made a repairing standard enforcement order (RSEO) in respect of the House. The members of the committee were Martin J. McAllister, solicitor, Chairman and George Campbell, surveyor. Kingsley Wood, surveyor, replaced George Campbell as a member of the committee subsequent to the making of the RSEO.
2. The tenancy of the House has been lawfully terminated.
3. On 1<sup>st</sup> December 2016 the Housing and Property Chamber assumed responsibility for the application.
4. The RSEO was in the following terms:

**The Landlord is to eradicate the dampness above the window and at the chimney breast in the front bedroom.**

5. On 24<sup>th</sup> November 2016 the surveyor member of the committee inspected the House. A copy of his report and relevant photographs is attached.
6. The report discloses that repairs had been carried out but that a small area of discolouration or marking was visible to the chimney breast wall adjacent

- to where plasterwork had been undertaken and that testing with a moisture meter indicated the presence of dampness to this area.
7. A copy of the report was sent to the Landlord and in response she submitted an invoice from a builder dated 8<sup>th</sup> December 2016 for removal of birds nest material and droppings and installation of a chimney cowl.
  8. The tribunal considered matters, determined that it was satisfied that the work had been completed and that it was appropriate to issue the Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006.

**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 McAllister

Martin J. McAllister, Solicitor,  
Legal Member of the Housing and  
Property Chamber of the First-tier  
Tribunal for Scotland.  
11<sup>th</sup> January 2017



## **PRHP Re-inspection Report**

**Property: 12 Kilndale Terrace, Kircudbright, DG6 4BX**

**Ref No: PRHP/RP/16/0151**

**Surveyor: Kingsley K Bruce, MRICS**

### **Access:**

I re-inspected the property at 15:00 on Thursday 24 November 2016.

The interior of the house was inspected visually, whilst standing at floor level within the various rooms, the exterior, whilst standing at ground level in the garden or on the street adjacent.

### **In Attendance:**

My inspection was accompanied, by the Landlord's brother Mr David Mathieson, who was present in the property throughout my inspection.

The property was vacant, unoccupied and unplenished.

### **Weather:**

Conditions were generally dry, bright and frosty at the time of my re-inspection.

### **Requirements of the Repairing Standard Enforcement Order (RSEO):**

The RSEO, dated 18 August 2016, required the landlord, as follows:

*"The landlord is to eradicate the dampness above the window and at the chimney breast in the front bedroom"*

**The Private Rented Housing Committee ordered that the works specified in this Order must be carried out and completed within eight weeks of the date of the order.**

### **Works required by the RSEO which have been undertaken:**

A visual inspection of the property was undertaken, looking specifically at the items/areas which were subject of the application and the RSEO, as served on the Landlord.

At the time of the re-inspection the following items of work, required by the Repairing Standard Enforcement Order (RSEO) which had been undertaken were:

- There was no evidence of dampness to the area above the window of the front bedroom.
- At the chimney breast in the same room, it is understood and apparent from inspection that repair of the wall finish in the form of some plasterwork had been undertaken.
- The room had been redecorated, including renewal of "woodchip" paper finish generally painted with emulsion paint.
- The areas in question were tested using an electronic moisture meter.

It was noted that a small area of discolouration or marking was visible to the chimney breast wall adjacent to the area where plasterwork appeared to have been undertaken. The marking was in the form of a "half circle", clearly defined and when tested with a moisture meter, readings indicated the presence of dampness to this area only.

Externally works appeared to have been undertaken to the chimney stack and the Landlord's representative confirmed that works had been completed, including cleaning out the flue.

Clearly efforts have been made to address the issue, but there is a small area still showing indications of dampness.

Based upon the findings of the re-inspection, the requirements of the RSEO had not been fully met at that date.

Kingsley K Bruce, MRICS  
Surveyor Member  
Private Rented Housing Panel

**28 November 2016**

**PHOTOGRAPHS TAKEN AT TIME OF RE-INSPECTION:**



