

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: PRHP/RP/16/0180

**Title no/Sasines Description: Property at 5 Helmsdale Drive, Dundee DD3 0NJ
more particularly described in Land Certificate Title number ANG58742
("The House")**

The Parties:-

**Grace Hocking and John Adams, residing at 5 Helmsdale Drive, Dundee DD3
0NJ
("the Tenant")**

**Stuart and Yvette Hunt residing at 18 Bank Avenue, Downfield, Dundee DD3
8NY
("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** relative to the Property dated 28 July 2016 and varied on 3 October 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.

In witness whereof these presents type written on this and the preceding page(s) are executed by John McHugh solicitor, chairperson of the tribunal at Edinburgh on the fifteenth day of February 2017 before this witness:-

J McHugh

_____witness

_____chairperson

LEWIS KEMP

name in full

65 HAYMARKET TERRACE

Address

COIMANCHE

EH12 5HD

Housing and Property Chamber

First-tier Tribunal for Scotland



DETERMINATION BY THE FIRST-TIER TRIBUNAL FOR SCOTLAND HOUSING AND PROPERTY CHAMBER

STATEMENT OF DECISION OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND HOUSING AND PROPERTY CHAMBER UNDER SECTION 60 OF THE HOUSING (SCOTLAND) ACT 2006

In connection with

**Property at 5 Helmsdale Drive, Dundee DD3 0NJ more particularly
described in Land Certificate Title number ANG58742 (hereinafter
referred to as “the House”)**

**Grace Hocking and John Adams, residing at 5 Helmsdale Drive, Dundee
DD3 0NJ (hereinafter referred to as “the Tenant”)**

**Stuart and Yvette Hunt residing at 18 Bank Avenue, Downfield, Dundee
DD3 8NY
(hereinafter referred to as “the Landlord”)**

CHAMBER REFERENCE PRHP/RP/16/0180

The Tribunal comprised the following members:

John McHugh, Chairperson
David Lawrie, Ordinary (Surveyor) Member

DECISION

The Tribunal having carried out a further inspection of the House determined that the work required by the Repairing Standard Enforcement Order served on 28 July 2016 and varied on 3 October 2016 (“the RSEO”) had been completed and resolved to issue a Certificate of Completion of Work.

The decision of the Tribunal was unanimous.

Background

The RSEO required the Landlord to complete the following work within 28 days of service of the RSEO:

1 To put the electrical socket in the kitchen into safe, working order and to produce an Electrical Installation Condition Report prepared by a qualified electrician who is, or whose employer is, registered with NICEIC, SELECT or NAPIT, which confirms that the electrical installations within the House are in safe, working order.

2 To install fire detection devices in compliance with the terms of the Scottish Government Guidance on Satisfactory Provision for Detecting and Warning of Fires.

3 To brush down and repaint the exterior wood cladding.

4 To put the rear facing windows of the House into reasonable condition, either by replacement or repair such that the windows are reasonably free of misting.

5 To remove the mould present in the loft area.

6 To carry out investigations in relation to the drains relating to the House and to remove any blockages so that the drains run freely and waste can be flushed from the toilet without difficulty.

7 To put the roof into a state of repair such that it is reasonably weatherproof and watertight and has adequate ventilation to prevent the build up of moisture and mould in the loft area.

The 28 day timescale was varied by the Committee on 3 October 2016 to a period of 60 days.

Reasons for the Decision

On 13 December 2016, the Tribunal issued a letter to the parties asking whether they agreed that the repairs required by the RSEO had been completed. Neither party responded.

On 6 January 2017, the Surveyor Member carried out a second re-inspection of the House. A previous re-inspection had been carried out on 7 September 2016 on which occasion the works required by the RSEO at paragraphs 1, 2, 3, and 5 were found to have been completed, although items 4, 6 and 7 remained outstanding. It was observed from an external inspection that the roof and window works had been completed.

In compliance with paragraph 6, the Landlord produced an invoice dated 8 September 2016 by Drain Doctor confirming repairs and that no problems existed in the drains. On 8 December 2016, the Landlord produced evidence of compliance with paragraph 6 in the form of an invoice from Apex Windows and with paragraph 7 in the form of an invoice from Raynor Roofing.

Accordingly, all works required by the RSEO have been completed.

A report of the inspection was issued to the parties on 18 January 2017. Neither party has commented upon its content.

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.

John McHugh
Chairperson

Date: 15 February 2017

Housing and Property Chamber

First-tier Tribunal for Scotland



Re-inspection report

Property: 5 Helmsdale Drive Dundee DD3 0NJ

Ref no: RP/16/0180

Surveyor: David M Lawrie

Inspection: The property was inspected at 10.30 am Friday 6 January 2017

Access: Grace Hocking (Tenant) was not present.

Yvette Hunt (Landlord) was not present.

NO ACCESS WAS GAINED TO THE PROPERTY

Repairing Standard Enforcement Order Requirements

The Private Rented Housing Committee now requires the Landlords to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the Repairing Standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Private Rented Housing Committee requires the Landlords:-

- 1. To put the electrical socket in the kitchen into safe, working order and to produce an Electrical Installation Condition Report prepared by a qualified electrician who is, or whose employer is, registered with NICEIC, SELECT or NAPIT, which confirms that the electrical installations within the House are in safe, working order.*
- 2. To install fire detection devices in compliance with the terms of the Scottish Government Guidance on Satisfactory Provision for Detecting and Warning of Fires.*
- 3. To brush down and repaint the exterior wood cladding.*
- 4. To put the rear facing windows of the House into reasonable condition, either by replacement or repair such that the windows are reasonably free of misting.*
- 5. To remove the mould present in the loft area.*
- 6. To carry out investigations in relation to the drains relating to the House and to remove any blockages so that the drains run freely and waste can be flushed from the toilet without difficulty.*

7. To put the roof into a state of repair such that it is reasonably weatherproof and watertight and has adequate ventilation to prevent the build up of moisture and mould in the loft area.

The Committee orders that the works specified in this Order must be carried out and completed within 28 days from the date of service of this Notice.

Works in Repairing Standard Enforcement Order completed prior to reinspection of 7 September: (numbering as above)

Item 1. Kitchen socket replaced. EICR forwarded to PRHP (HPC) Glasgow.

Item 2. Smoke and heat detection provision adequately installed.

Item 3. Exterior timber cladding redecorated.

Item 5. Mould sprayed and brushed down in roofspace by Specialist Firm.

Works in Repairing Standard Enforcement Order completed since reinspection of 7 September 2016: (numbering as above)

Item 4. Window glazing appears to have been replaced as required and an invoice from Apex Glazing has been forwarded to PRHP (HPC) Glasgow.

Item 6. A report from Drain Doctor states inspections and some remedial works carried out – there is a recommendation to renew waste pipes servicing kitchen sink.

Item 7. Roof repairs and the provision of tile vents have been attended to and copy Invoice from Raynor Roofing was provided to PRHP (HPC) Glasgow.



Front showing signs of repair and vent tiles



Rear showing signs of repair, vent tiles and replacement glazing

David M Lawrie
HPC Tribunal Surveyor Member

11 January 2017