



PROPERTY AT FLAT 0/1 42 NORTHLAND DRIVE, GLASGOW G14 9BD

The Parties:-

The homeowner – Donald Campbell, 9/11 (Flat 14) Victoria Circus, Glasgow G12 9LB (“the applicant”)

The property factor – Glasgow Housing Association Ltd, trading as, YourPlace Property Management (“the respondent”)

DECISION BY A COMMITTEE OF THE HOMEOWNER HOUSING PANEL IN APPLICATIONS UNDER SECTION 17 OF THE PROPERTY FACTORS (SCOTLAND) ACT 2011 (“THE 2011 ACT”)

Case reference: HOHP/PF/15/0045

Committee Members

Richard Mill (Legal Chairperson)
Charles Reid Thomas (Surveyor Member)
Colin Campbell (Housing Member)

Decision of the Committee

The committee unanimously determined that the respondent has complied with their obligations and duties arising from the Code of Conduct for Property Factors.

Introduction

This application before the committee related to the applicant's concerns arising from water ingress to their property. The dispute was borne out of repeated complaints by the applicant to the respondent regarding the applicant's perception that the respondent was not committed to identifying the source of the problems nor adequately resolving them. One of the major concerns of the applicant was his belief that the reinforced concrete above the living room windows was structurally compromised. This in itself has been a significant source of dispute between the parties.

The committee initiated their own enquiries into the potential cause of the water ingress and damage sustained to the property. It was ultimately identified (and accepted by the applicant) that the existing damage to the concrete was not of structural significance and repair, rather than replacement, was appropriate. Notwithstanding this the parties continue to be in dispute about the causation of the water ingress.

The application before the committee raised alleged breaches of the Property Factors (Scotland) Act 2011 Code of Conduct of Property Factors (hereinafter referred to as "the Code of Conduct"). The specific sections of the code put at issue were Sections 1, 2.1, 2.5, 6.1, 6.2, 6.9, 7.1 and 7.2.

Procedural Background

The application was carefully case managed over a lengthy period of time. Copies of all Directions issued by the committee (1-7) are annexed to this Decision. There were also two Procedural Hearings firstly on 3 September 2015 and thereafter on 14 March 2016.

The application to the Homeowner Housing Panel from the applicant was dated and received on 16 April 2015. A number of attachments were also received.

Notices of Referral were issued to parties on 10 June 2015.

The respondent lodged written representations by way of correspondence dated 1 July 2015.

The applicant lodged further documentation and made a number of requests by way of applications to the committee to give Directions.

Such proposed Directions were in relation to the potential admissibility of audio recordings which the applicant sought to rely upon and other issues regarding the availability of a named witness. This necessitated two Directions being issued by the committee (Directions 1 and 2) which refused the applicant's applications for Direction and furthermore the committee issued their own Directions which were deemed necessary to case manage the application in advance of any Oral Hearing to be set down.

The committee thereafter concluded that the parties had failed to adhere to the stipulations required in terms of their earlier Directions and in those circumstances directed by way of further Direction (Direction 3) that the already scheduled Oral Hearing assigned for 3 September 2015 should be converted to a Procedural Case Management Hearing, together with a site inspection, prior to this (see below).

Following the site inspection and the Procedural Management Hearing, all on 3 September 2015, the committee in terms of Rule 10(1)(2) and (3)(c) instructed and commissioned a Structural Engineering Report to be prepared by DCF Design Consultants (DCF), Consulting Civil & Structural Engineers, 4 Woodside Terrace, Glasgow G3 7UY with a specified remit (Direction 4).

By way of report dated 18 November 2015, Martin Robertson of DCF reported to the committee, based upon the inspection undertaken on 17 November 2015 when the surveyor member of the committee was present. This report is produced within the annex of this Decision. This was copied to parties for their comments with the committee's preliminary reviews upon the application at large and invited comments from the parties (Direction 5).

Following receipt of parties comments upon the report of Martin Robertson further Directions were issued to enable the parties comments upon the report of Martin Robertson to be considered by him to enable further clarification to be received (Direction 6).

The committee, following receipt of the further comments of Mr Alistair McVitie of DCF in an email dated 15 January 2016 (a copy of which is produced in the annex to this Decision) concluded that a further structural survey would be necessary and in these circumstances the committee issued a further Direction with a clear remit to DCF to enquire and report further. At that time a further Procedural Hearing was fixed to take place on 15 March 2016 (Direction 7).

This led, on 19 February 2016, to a further site inspection. This was undertaken by Martin Robertson of Messrs DCF to comply with the committee's request for a supplementary report. The housing member of the committee was in attendance.

At that inspection Mr Cuthill, the repairs manager, of the respondent was present and undertook to comply with Mr Robertson's recommendation that a borescope be used to carry out an inspection of the cavity wall construction on either side of the living room to look for possible causes of water penetration. A further undertaking was given to contact the upstairs neighbour with a view to investigations being carried out to the asphalt membrane of her balcony slab which is above the area where there is water ingress into the property. Following an email report by Mr Robertson on 3 March 2016 (which is produced within the annex to this Decision) it became apparent that the respondent had reneged upon their undertaking to carry out a relevant borescope survey. Despite the committee being advised that the upstairs neighbour was prepared to comply with investigations, the respondent had not secured her compliance to carry out a further survey of the balcony area above the property.

The second Procedural Hearing took place on 14 March 2016. The committee was advised by the representatives present on behalf of the respondent that they did not think that the borescope survey was a worthwhile exercise despite it having been requested by Mr Robertson who had been instructed by the committee at public expense. Neither were they satisfied that there was any particular merit in exploring the potential source of water ingress to the property via the balcony above the property.

The committee was bemused and disappointed in the approach and actions and omissions of the respondent in this regard. DCF have been instructed on two occasions by the committee at public expense to seek to expedite resolution of the dispute before the committee. The respondent had given a clear undertaking at the time of the subsequent site inspection on 19 February 2016 to carry out certain acts and subsequently failed to adhere to them. The email report of Mr Robertson was however helpful in concluding, in terms, that there is no structural defect which was one of the major concerns of the applicant. At the Procedural Hearing on 14 March 2016, the applicant accepted that professional view and accordingly the issue as to whether or not there was any structural defect was excluded.

Notwithstanding the impaired ability of Mr Robertson to carry out a further assessment of the situation, the committee took the view that it was no longer necessary for them to carry out their own inquiries and in particular no longer necessary for them to insist upon any further supplementary or other report by way of investigation into the water ingress in the property at public expense. The parties were reminded that the committee had a restricted jurisdiction and that they could ultimately only determine the issues which fell before them for consideration which had been raised within the application. This comprised a number of alleged breaches of the Code of Conduct but *not* any alleged breach of the respondent's duties.

Site Inspections

Due to the nature of the dispute between the parties, the committee determined that it would be necessary to attend at the property and inspect it prior to the First Procedural Hearing. In the circumstances an inspection was carried out by the committee on the morning of 3 September 2015.

Following the committee instructing DCF, the surveyor member of the committee was in attendance at the site visit undertaken on 17 November 2016.

As a consequence of the committee instructing a supplementary report from DCF, the housing member was in attendance at the further site inspection on 19 February 2016.

Hearing

A final hearing on the application took place in Wellington House, 134/136 Wellington Street, Glasgow on 24 May 2016.

The applicant appeared personally and was represented by Mr Peter McGinnis, his representative and former occupant of the property.

The respondent was principally represented by Tom Cuthill, Repairs Manager, and was assisted by Alison McDiarmid, Factoring Services Director, YourPlace Property Management.

Findings in Fact

1. The applicant is the homeowner of Flat 0/1, 45 Northland Drive, Glasgow G14 9BD. The property forms a ground floor property within a block of flats which was constructed in the 1960s. The construction is by way of load bearing masonry with concrete floors. The block was originally constructed with external recessed balconies. The property is the flat in the south west corner of the block within which it is situated.
2. A limited number of flats have had the original glazed screen wall adjacent to the external balcony removed and a set of three windows provided above the precast concrete pedestrian barrier unit located on the external profile of the building. This conversion has not been provided in the same manner to the

flat directly above the property where the external balcony is still present. The alterations to effectively increase the living space within the property by way of extension of the living room in the manner described above, is understood to have been undertaken around 1990 by the previous owner of the blocks of flats, namely Glasgow City Council.

3. In the applicant's property the lintel/concrete slab above the windows is damaged. This is a pre-stressed lintel with steel rods within. As a consequence of water ingress the steel has corroded. The concrete is damaged and is breaking away. This has exposed the steel rods within. The window frame is damaged. Internally the ceiling and walls adjacent to the window have sustained damage. There is active water penetration and damp detectable.
4. The applicant first complained to the respondent of water ingress by way of contact with their Customer Service Centre on 10 December 2014. Two further repair notifications were made on 15 and 19 December 2014. The respondent failed to raise the repair item immediately or correctly. It was raised initially as an internal repair item as opposed to a common repair item and as a consequence there was delay in the respondent giving effect to the applicant's notification. The respondent has accepted their failure to attend promptly to the applicant's concerns and has apologised.
5. On 19 December 2014 a multi trade operative instructed by the respondent attended at the applicant's property. Their remit was to carry out an immediate temporary rectification of any difficulties if that were to have been possible. It was not, given the nature of the problem to the property which was found. This workman was to report back to the respondent to enable further action and a more appropriate repair to be arranged.
6. Telephone contact took place between the applicant's representative and then tenant Mr Peter McGinnis and the respondent. Mr McGinnis was advised by the respondent that a builder would attend the property, take photographs and thereafter discussions would take place. This did not happen until 20 January 2015. On 20 January 2015, John MacDonald, operations manager, of City Building Glasgow inspected the property. It was identified as a non-standard repair. City Building Glasgow is a multi trades organisation which is an external third party independent of the respondent's organisation but managed from within the same office building as the respondent.
7. The opinion of John MacDonald, based upon his assessment on 20 January 2015 was that the water ingress and resulting damage was condensation related as a consequence of the earlier alteration of the property, namely the balcony conversion.
8. By 12 February 2015 the respondent had taken the view that the water ingress was not a common repair issue and was the sole responsibility of the applicant.

9. The homeowner and his representative Mr McGinnis attended at the offices of the respondent on 16 February 2015 to initiate a stage 1 complaint. The applicant completed a mandate to allow Mr McGinnis to receive information in relation to the complaint and property.
10. On 19 February 2015, Gary Smith, Factoring Officer of the respondent, wrote to the applicant in response to the stage 1 complaint. The applicant's complaint was not upheld. He was advised of the ability to escalate the complaint to a stage 2 complaint if he remained dissatisfied. The respondent had failed to activate the mandate allowing this information to be sent directly to Mr McGinnis.
11. Despite rejecting the applicant's complaint the respondent issued a further repair line on 21 February 2015. The applicant was advised that an inspection would take place on the afternoon of Wednesday 4 March 2015. The respondent's representative who was to carry out an inspection failed to attend causing inconvenience to Mr McGinnis. An apology was issued by the respondent subsequently in a letter dated 20 March 2015.
12. John Lang, Surveyor of Messrs Stellar Building Solutions Ltd, inspected the property on behalf of the relevant building's insurer, AGEAS, on 3 March 2015. He was of the view that there was no insured risk which would trigger a claim on the relevant insurance policy. The property was also inspected thereafter by Paul Cosslett, Claims Adjuster, Ryan Direct Group, on behalf of the insurer. He offered the view that if the lintel was to require replacing then the involvement of a Structural Engineer would be appropriate.
13. The respondent throughout this matter has adopted the position that the problem with the lintel is as a consequence of the former conversion of the balcony and window detail, meaning that water run off from the balcony above comes down the building and penetrates the living room of the property via the window join and exacerbated by condensation. The respondent has offered to conduct repairs to the lintel. The respondent offered to instruct a structural survey subject to these costs being met by the applicant.
14. On 20 March 2015, the respondent issued a letter to the applicant's representative, Mr McGinnis setting out three alternate options to repair the concrete lintel. In brief these were:-

Option 1 - concrete repair, window left in situ.

Option 2 - remove and set back window, repair concrete and refit window.

Option 3 - reinstate to original detail by removing window and reinstating screen.

Options 1 and 3 would be deemed as common repairs with the applicant bearing a pro rata share in accordance with the management of the development. Option 2 would involve common repairs and additionally an individual repair at the applicant's sole cost.

15. The applicant and his representative rejected the three options offered by the respondent. This was historically as a consequence of no structural survey having been undertaken by the respondent on the basis of a shared common repairs cost basis. The options have also been rejected more recently on the basis that they proceed on the basis that the causation is linked to the former conversion which is disputed by the applicant.
16. By way of letter dated 20 March 2015, Maureen Dowden, Community Governance & Compliance Leader of the respondent's organisation, wrote to the applicant's representative in relation to the originating complaint, now escalated to stage 2 of the complaints procedure. Certain aspects of the applicant's complaint were upheld. In particular the applicant's complaint about timescales and communication in respect of their intimation of the problems and complaints generally were upheld. There remained a dispute about the cause of the problem and nature of the repair to rectify same. The applicant's complaint regarding the respondent's failure to appoint a Structural Engineer was not upheld.
17. Requests made by and on behalf of the applicant in terms of the Data Protection Act 1998 seeking to elicit all information held by the respondent were refused. The applicant's representative subsequently complained to the Information Commissioner's Office. As a consequence all information held by the respondent was thereafter forthcoming.
18. The committee by way of Direction instructed a Structural Engineer. By way of Report dated 18 November 2015, M D Robertson of DCF advised that the "cause of the water ingress is almost certainly due to a defective waterproof membrane to the external surface of the balcony of Flat 1/1". Certain recommendations were contained therein as a consequence. Such recommendations were in contradiction to the respondent's formed opinion.
19. The terms of the Structural Engineer Report by DCF was not accepted by the respondent. A supplementary report was subsequently instructed. A site meeting took place on 19 February 2016. The view of DCF was that there was a possibility of water being transferred across the cavity from wall ties which are coated in mortar. Mr Tom Cuthill, Repairs Manager, was in attendance then and he undertook to comply with a recommendation of DCF to carry out a boroscope survey of the cavity wall construction on which the balcony units rest. Mr Cuthill subsequently reneged on this undertaking and to date no boroscope survey has been undertaken.
20. The investigations of DCF identified that the underside of the balcony unit has been provided with insulation to limit the possibility of condensation occurring on the internal face of the balcony slab unit. Mr Robertson of DCF identified that where the concrete of the balcony slab is exposed, it does appear that the water ingress is seeping through the body of the concrete.
21. DCF was also of the view that further investigations should take place to the balcony slab unit above the applicant's property and that this should be

explored further, and in particular that the tiled surface should be uplifted and the waterproof membrane investigated to identify whether or not it is defective and to ensure that there is sufficient drip detail and mastic sealant to protect the property below.

22. In or about April 2016, the respondent instructed an investigation of the balcony above the property. A superficial investigation was undertaken. The tiling was not uplifted and the membrane was not checked. It was noted that there were small gaps in the mortar to the leading edge of the balcony with some mould growth. This was raked out and repointed.
23. No formal building report or evaluation of the external fabric of the building/cladding has been undertaken to identify whether or not water ingress is being caused as a consequence of any defects to the external fabric of the building.

Reasons for Decision

The committee was satisfied that they had sufficient information and evidence before it at the conclusion of the Hearing to determine the application fairly. This included the extensive documentary evidence for both parties and the oral evidence and submissions.

The committee evaluated all of the evidence before it. The committee made findings in fact. Reference is made to the committee's findings numbered 1-23 upon which the committee's decision is based.

The committee considered the applicant's complaints in respect of the sections of the Code of Conduct which were complained about by the applicant. These were:-

- Section 1

The applicant complained that he had not received a Written Statement of Services. The respondent's position is that all homeowners were supplied with a Written Statement of Services when the Property Factors (Scotland) Act 2011 came into force. Their policy is also to provide a copy of their Written Statement of Services to new homeowners ie those purchasing properties within relevant developments; and to make available a Written Statement of Services on request.

Although the respondent was unable to specifically evidence having issued a Written Statement of Services to the homeowner, the committee had no reason to doubt that they have a clear policy in place and that such Written Statement of Services had been issued. This is not to say that a problem with the mail system occurred leading the applicant not to have received this. In any event when a specific request was made for a fresh copy of the Written Statement of Services this was supplied.

The committee do not, in those circumstances, find the respondent to have breached Section 1.

- Section 2.1

Submissions were made to the effect that the respondent had provided the applicant with misleading or false information. The general theme of such assertion was that the respondent had persistently stated that they had not received technical advice to the effect that a structural report was required.

There is no doubt about the fact that the respondent has always adopted the view that a structural report was not necessary. The submissions on behalf of the applicant were that there were two specific sources which the respondent was aware of that recommended such course of action.

Mr McGinnis stipulated that John MacDonald of City Building Services had expressed the view that a structural survey would be required when he attended the property on 20 January 2015. This is directly at odds with the recordings within the respondent's papers and submissions to the effect that Mr MacDonald had not concluded this and had concluded instead that the most likely cause of the problems was condensation based. Taking all of the evidence before the committee as a whole the committee formed the view that the historical recordings of Mr MacDonald's views, as presented by the respondent, were likely to be the most accurate representation of his opinion.

It was also noted by the committee that Mr MacDonald, though a member of a third party contractor, is based within the same office as the respondent and works literally within the same room as Mr Cuthill. The respondent's position is that their view as to the causation - namely condensation - is based upon their technical advice and thus they have relied upon the opinion of Mr MacDonald. The committee therefore rejects the suggestion that the respondent received advice otherwise from Mr MacDonald.

The applicant also relied upon the apparent opinion of Paul Cosslett, Claims Adjuster, Ryan Direct Group. A single email (partially redacted) was presented in isolation on behalf of the applicant which tended to suggest, at face value, that a structural survey was recommended. The email was sent by Mr Cosslett to Mr Cuthill on 23 March 2015. Mr Cuthill however was in a position to supply the committee with a full email chain of correspondence which included the email relied upon by the applicant. This email chain between Mr Cuthill and Paul Cosslett (over 23 and 25 March 2015) when read in full is clearly not a recommendation to the respondent that a structural engineer report would be required.

The committee having considered the totality of both the written and oral evidence conclude that the respondent had not been given technical advice that a structural survey was necessary and therefore the respondent has not provided misleading or false information to the applicant or his representative.

- Section 2.5

The principal submissions made on behalf to the applicant in respect of this section of the Code were closely interlinked to those made in relation to Section 2.1. It is a matter of record that the respondent upheld part of the applicant's stage 2 complaint in respect of a failure to adhere to prompt timescales on occasions and failed to adequately communicate. In that respect the committee considers that matter to have been resolved and indeed concluded at the time that the stage 2 complaint was upheld in March 2015.

The other strand to the applicant's complaints under this section was the respondent's failure to provide the information requested under the Data Protection Act 1988. The committee is of the view that such information is not part of the general enquiries which the Code of Conduct anticipates and which necessitates compliance as a consequence of the Code. The requirement to produce information requested in terms of the Data Protection Act is a separate issue and there is a distinct statutory basis for such a request. The committee also makes reference to its observations in relation to this issue as undernoted.

- Sections 6.1 and 6.2

Although submissions were made by the applicant's representative in relation to this, it was ultimately accepted that the respondent does have in place procedures to allow homeowners to notify them of matters requiring repair, maintenance or attention. Otherwise the committee finds that the respondent has kept the applicant and his representative informed.

It is clear that generally, once the problems were investigated correspondence was free-flowing between the respondent and the applicant's representative. Offers to carry out work were made by the respondent (see the committee's finding in fact number 14) but rejected due to an underlying disagreement regarding the cause of the difficulties.

It is clear that the respondent also has a clear policy in place to deal with emergency work or repairs. The respondent has a 24 hour customer service centre which operates 7 days a week and a repairs and maintenance contract in place with City Building Glasgow.

- Section 6.9

The applicant's representative made submissions that the respondent ought to pursue City Building Glasgow in respect of their failure to carry out any work or remedy the defects which they had seen upon their inspection of the property. Reliance was made upon a computerised job sheet of City Building lodged on behalf of the applicant to suggest that the work had been completed upon their visit. It is quite clear however that the document would not support a conclusion that any work had been done and completed and that there is no fault attributable to City Building. In fact such a suggestion is

inconsistent with the submissions otherwise made on behalf of the applicant that they were ill-equipped to carry out any such work.

The committee concluded that there was no third party contractor which the respondent was under a duty to pursue. No third party had carried out any work of a substandard nature or had failed to complete work.

- Section 7.1

The respondent does have a clear written complaints resolution procedure which sets out a series of steps with reasonable timescales which are to be followed.

The submissions made in support of a breach of this section related to the respondent's handling of the stage 1 complaint initiated on 16 February 2015. It was initially suggested that the complaint had not been investigated at all and had been rejected within a matter of days due to a technicality over the failure of the respondent to recognise that the applicant had completed and lodged a mandate authorising Mr McGinnis to act on his behalf in relation to that matter.

Following further discussions, Mr Cuthill was able to provide clear and detailed evidence regarding the handling of the stage 1 complaint and, on the basis of the information provided, the committee was satisfied that the complaint had been properly investigated and dealt with substantially, albeit not in the applicant's favour. It was also made clear to the applicant the ability to escalate the complaint to a stage 2 complaint.

It is perhaps regrettable that the mandate authorising the respondent to deal directly with Mr McGinnis was not acted upon but that, of itself, does not render the complaints procedure void which was otherwise followed.

- Section 7.2

This section of the Code requires that a final decision on the complaints procedure should be confirmed by senior management before the homeowner is notified in writing and that details of the Homeowner Housing Panel should be provided. This clearly happened. The determination of the applicant's stage 2 complaint was intimated by way of letter dated 20 March 2015 to the applicant's representative by Maureen Dowden, Community Governance & Compliance Leader, in which reference is made to the ability for the complaint to be reviewed by the Homeowner Housing Panel. This was in the context of some of the applicant's complaints having been upheld but others rejected.

The written application by the applicant did not allege failures on the part of the respondent to comply with their duties.

The respondent has not breached the Code of Conduct for Property Factors. No Property Factor Enforcement Order is necessary.

Observations

The committee has not been asked by the respondent to make a finding in respect of the respondent's compliance with their duties. The application was restricted to issues identified in terms of the Code of Conduct.

The committee's unanimous view is that the respondent's position which has been adopted to the effect that the problems with the concrete lintel at the property are as a sole consequence of condensation is not a reasonable position to adopt.

The committee are of the view that the problems identified with the concrete lintel would not arise purely as a consequence of inadequate insulation and condensation. Mr Robertson of DCF identified that the underside of the balcony has insulation to limit such possibility. All investigations are clear in having identified that there is active water ingress to the applicant's property and that water is seeping through, and possibly around, the body of the concrete slab.

The dispute between the parties regarding the failure of the respondent to instruct a structural survey report is arguably an irrelevance. DCF have confirmed that damage to the concrete is not of structural significance and a repair is appropriate. Perhaps like many other qualified contractors who are able to carry out an assessment, Mr Robertson of DCF is of the view that the matter does require further investigation and indeed recommended a boroscope survey of the cavity wall construction and a further more detailed investigation of the waterproof membrane of the balcony above the property.

The respondent has failed, in the view of the committee, to do either. Despite having undertaken to carry out the boroscope survey at the time of the supplementary investigations by DCF in the presence of the housing member of the committee Mr Cuthill thereafter reneged on this. It is unclear to the committee as to why such undertaking was withdrawn. The committee reiterates their view, articulated at the procedural hearing on 24 March 2016, to the effect that this is highly disappointing. The committee undertook a considerable effort in seeking to problem solve the matter presented before it and had instructed more than one report from DCF at costs to the public purse. The respondent's failure to heed the advice to the effect that boroscope survey should be undertaken and that the waterproof membrane of the balcony above the property be investigated in detail, does not seem justifiable.

The committee also noted assertions made on behalf of the respondent to the effect that the fabric of the building and cladding is in an adequate state of repair. The committee notes however that no formal report to that effect is available for scrutiny.

The committee does not feel that the respondent has acted reasonably in response to the issues detected at the applicant's property. The respondent, as factor, should act as a reasonable homeowner themselves would act in response to the difficulties which have manifested themselves. The committee is of the view that any reasonable factor would carry out further investigations as described and, indeed, as recommended.

The respondent's obligations to carry out such steps form part of their duties. As the applicant has not complained about the factor's duties, the committee will not make any Property Factor Enforcement Order as a consequence. It is hoped however that the respondent will take on board these additional comments.

Mr Cuthill seemed well versed in the issues pertaining to this matter. He assumed the role of repairs manager in June 2015 but was previously the complaints coordinator. Whilst the committee has set out some disappointment at Mr Cuthill's renegeing on the undertaking to carry out a boroscope survey, the impression of the committee is that this has been a decision which has been influenced by others, possibly more senior within the respondent's organisation and is not something for which Mr Cuthill should be held personally responsible for.

It is noted that the applicant's stage 2 complaint was upheld in respect of failures surrounding timescales and communication generally. Whilst the committee has set our adverse comments in respect of the respondent's conclusion on the possible causation of the defective lintel in the applicant's property, the respondent does appear genuinely and generally to have taken their responsibilities seriously and at the time of the applicant's stage 2 complaint were candid in accepting their limited failings.

It was noted by the committee that the respondent had failed to provide information in terms of a reasonable request under the Data Protection Act 1998. Only after the intervention of the Information Commissioner's Office was the issue resolved. This is perhaps unfortunate and again this was not attributable to a personal act on the part of Mr Cuthill. The respondent's own in-house legal adviser had determined that the information not be provided. For what it is worth the committee does not consider that the refusal to provide such information was for the purpose of attempting to conceal information or frustrate the applicant and his representative's investigations.

Appeals

In terms of Section 22 of the 2011 Act, any Appeal is on a point of law only and requires to be made by Summary Application to the Sheriff. Any Appeal must be made within 21 days beginning with the day on which the Decision appealed against is made.

Signed
Chairperson

Date 30 May 2016

ANNEX

1. Direction 1.
2. Direction 2.
3. Direction 3.
4. Direction 4.
5. Direction 5.
6. Direction 6.
7. Direction 7.
8. Letter report by M D Robertson, DCF Design Consultants dated 18 November 2015.
9. Email 15 January 2016 by Alistair McVitie, DCF Design Consultants.
10. Email 3 March 2016 by Martin Robertson, DCF Design Consultants with email chain attached.



Direction of the

Homeowner Housing

**Committee issued under the Homeowner Housing Panel (Applications
and Decisions) (Scotland) Regulations 2012**

DIRECTION 1

Hohp Ref: HOHP/PF/15/0045

Re:- FLAT 0/1 42 NORTHLAND DRIVE, GLASGOW G14 9BD

The Parties:-

**Donald Campbell, 9/11 (Flat 14) Victoria Circus, Glasgow G12 9LB (the
“Applicant”)**

**Wheatley Housing Group Ltd, Wheatley House, 25 Cochrane Street,
Glasgow G1 1HL (the “Property Factor”)**

The Committee, having considered the case papers, Directs:-

- i. The Homeowner is required to produce a Deed of Conditions for the Property within 14 days.
- ii. The Homeowner is required to produce the Structural Engineer Report previously commissioned by them within 14 days.
- iii. The Homeowner is required to provide detailed specification as to the circumstances in which the voice recordings lodged with the application were obtained. This should contain details of the date and place of the recordings and the individuals involved. They require to provide specification as to whether or not such recordings were undertaken covertly. The Homeowner requires to provide this information within 14 days.
- iv. Covert recordings are not automatically admissible in legal proceedings. Once the disclosure of information as required within item iii. above is supplied to the Property Factor they will be provided with a further 7 days in order to confirm whether or not they consent to the voice recordings being admitted into evidence. Additionally, within 21 days, both parties require to lodge Written Submissions in respect of the admissibility and use of the said voice recordings.
- v. If the committee admits said voice recordings into evidence the Homeowner will be required to lodge transcripts of any recordings admitted no later than 14 days before said Hearing set down to take place on 3 September 2015.

- vi. The Committee refuses the Applications dated 8 and 15 July 2015 in which the Homeowner seeks the Committee to issue Directions:-
- (a) The Property Factor has confirmed in writing that the Data Protection Act 1998 has been applied properly to requests for information being provided. The right of recourse to the Homeowner in the event of a dispute is to refer the matter to the Information Commissioner's Office. The Committee does not have the power to order such disclosure.
- (b) The Homeowner stipulates that Mr Paul Cosslett is an essential witness. It is a matter for the Homeowner to arrange for the attendance of necessary witnesses. The Homeowner is encouraged in this respect to obtain a signed written statement from Mr Paul Cosslett in relation to his material evidence and lodge that within 21 days. The Homeowner will also be permitted to call Mr Paul Cosslett to give oral evidence if they so wish.
- vii. The Committee will undertake an inspection at the Property at 9.30 am on the date of the Hearing, namely 3 September 2015. The Property Factor is invited to attend said inspection.

Signed
Chairperson

Date 23 July 2015



Direction of the **Homeowner Housing**
Committee issued under the Homeowner Housing Panel (Applications
and Decisions) (Scotland) Regulations 2012

DIRECTION 2

Hohp Ref: HOHP/PF/15/0045

Re:- FLAT 0/1 42 NORTHLAND DRIVE, GLASGOW G14 9BD

The Parties:-

Donald Campbell, 9/11 (Flat 14) Victoria Circus, Glasgow G12 9LB (the "Applicant")

Wheatley Housing Group Ltd, Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (the "Property Factor")

The Committee, having considered the case papers and having issued Direction 1, and now having had regard to further additional papers provided by the Homeowner with three additional direction requests all dated 24 July 2015, Directs and determines:-

- i. The Application by the Homeowner for the committee to have available a facility to listen to selected voice recordings is refused. Reference is made to item iii, iv and v in Direction 1.
- ii. The Application by the Homeowner for the committee to attend a site visit is refused. The committee have already, of their own volition, determined and directed that an inspection of the property will take place at 9.30 am on 3 September 2015 as stipulated within item vii in Direction 1.
- iii. The Application by the Homeowner for the committee to ascertain the professional qualifications and accreditations of individuals (presumably those whom the Respondent relies upon) is refused. It is a matter for each of the parties to place before the committee evidence upon which they rely. The committee will determine the Application on the basis of the evidence put before it having regard to the credibility and reliability of each witness and item of evidence.
- iv. The Homeowner is discouraged from continuing to lodge further papers other than those which are requested from them in terms

of Direction 1 or to make further requests of the committee at this stage unless absolutely necessary. If further documents and requests are made, then it is likely that the currently assigned Hearing date for 3 September 2015 will be adjourned.

Signed
Chairperson

Date 27 July 2015



Direction of the Homeowner Housing
**Committee issued under the Homeowner Housing Panel (Applications
 and Decisions) (Scotland) Regulations 2012**

DIRECTION 3

Hohp Ref: HOHP/PF/15/0045

Re:- FLAT 0/1 42 NORTHLAND DRIVE, GLASGOW G14 9BD

The Parties:-

Donald Campbell, 9/11 (Flat 14) Victoria Circus, Glasgow G12 9LB (the "Applicant")

Wheatley Housing Group Ltd, Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (the "Property Factor")

The Committee, having noted the terms of the letter dated 31 July 2015 received by Peter McGinniss on behalf of the applicant, but noting that the parties have failed to respond as required in terms of Direction 1 hereby Directs the following:-

- i. The committee will not listen to all of the audio voice recordings provided by the Applicant in the course of the Hearing. It is not proportionate nor necessary to do so. As earlier Directed, any voice recordings admitted into evidence to be relied upon will be considered by the committee on the basis of transcripts which, the party relying upon, will require to produce highlighting specific components of relevance.
- ii. In respect that parties have failed to respond adequately to Direction 1, the Hearing assigned to take place on 3 September 2015 will no longer be a full Evidential Hearing. The Hearing is converted to a Procedural Management Hearing in order to focus any future Oral Hearing. The inspection arranged to take place at 9.30 am on 3 September 2015 will proceed.

Signed
Chairperson

Date 19 August 2015



Direction of the

Homeowner Housing

**Committee issued under the Homeowner Housing Panel (Applications
and Decisions) (Scotland) Regulations 2012**

DIRECTION 4

Hohp Ref: HOHP/PF/15/0045

Re:- FLAT 0/1 42 NORTHLAND DRIVE, GLASGOW G14 9BD

The Parties:-

Donald Campbell, 9/11 (Flat 14) Victoria Circus, Glasgow G12 9LB (the "Applicant")

Glasgow Housing Association, 173 Trongate, Glasgow G1 5HF (the "Property Factor")

The Committee, following their inspection of the property and having heard parties at the Procedural Management Hearing, all on 3 September 2015, Directs:-

- i. The Respondent in this application is Glasgow Housing Association, 173 Trongate, Glasgow G1 5HF. The earlier Directions in which the Property Factor was designated as "Wheatley Housing Group Ltd" shall apply to Glasgow Housing Association.
- ii. In terms of Rule 10(1), (2) and (3)(c), the Committee instructs and commissions a Structural Engineering Report to be prepared by Alistair McVitie, DCF Design Consultants, Consulting Civil + Structural Engineers, 4 Woodside Terrace, Glasgow G3 7UY with the following remit:-
 "To carry out a detailed survey to determine the cause of the damage to the lintel/slab and what needs to be done to remedy the situation and further advise whether the lintel/slab and the windows in the lounge of the Property require to be repaired or replaced."
- iii. A copy of this Direction will be issued to Mr Alistair McVitie as well as the parties.

Signed
Chairperson

Date 11 September 2015



Direction of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012

DIRECTION 5

Hohp Ref: HOHP/PF/15/0045

Re:- FLAT 0/1 42 NORTHLAND DRIVE, GLASGOW G14 9BD

The Parties:-

Donald Campbell, 9/11 (Flat 14) Victoria Circus, Glasgow G12 9LB (the "Applicant and Homeowner")

Glasgow Housing Association, 173 Trongate, Glasgow G1 5HF (the "Respondent and Property Factor")

Committee :-

Richard Mill (Chairman), Charles Reid Thomas (Surveyor Member) and Colin Campbell (Housing Member)

The Committee, having received and considered the Structural Engineer Report dated 18 November 2015 prepared by DCF Design Consultants, Consulting Civil + Structural Engineers, 4 Woodside Terrace, Glasgow G3 7UY, Directs:-

- i. A copy of said Report by DCF Design Consultants shall be issued to both parties with this Direction.
- ii. The parties are provided with a period of 14 days from receipt of this Direction (and said Report) within which to confirm their acceptance of the terms of said Report or otherwise make representations which they have to make with regards to it.
- iii. If the parties both accept the terms of the said Report the Respondent is expected to forthwith (and no later than 21 days from intimation of this Direction) take the necessary steps and implement and instruct the recommendations contained within the said Report.
- iv. Without prejudice to the hearing of any further evidence and submissions on the other outstanding matters complained of by the

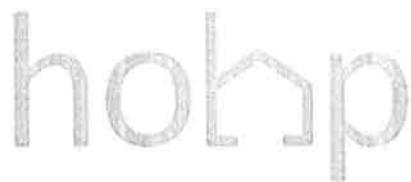
Applicant, the Committee, having considered the terms of the evidence contained within the papers together with parties representations Notes:-

- a. The Respondent failed to timeously provide the Applicant with a Written Statement of Services in accordance with the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors. The Respondent has earlier acknowledged this and apologised.
 - b. The Applicant complains that their communications with the Respondent have not always been responded to timeously. The Respondent is alleged to have delayed and been dilatory about progressing the Applicant's concerns in respect of the issues complained of. The Committee concludes on the basis of the written material available that this is established. In particular, in respect of the main matter complained of by the Applicant, the Respondent failed over several months to instruct a necessary Specialist Report, namely a Structural Engineer Report into the problems detected within the Applicant's property ultimately requiring the Committee to instruct such a Report.
 - c. Other matters, which the Committee deems to be de minimus in nature are raised by the Applicant, include the suggestion that the Respondent has not followed their own published complaints procedures. In the absence of further information the Committee does not conclude that these matters are established.
- v. The Committee previously noted at the Procedural Management Hearing that the Applicant was keen to expeditiously resolve all issues and was focussed upon the structural defects of the property. In all of the circumstances, the Committee requests that the Applicant consider further whether he wishes to insist upon his Application further or whether given the progress now made he wishes to withdraw his Application.
- vi. The Committee has had sight of and considered the terms of additional correspondence between the Parties. In particular the Committee have had sight of the email dated 13 November 2015 sent at 17:12 hours by the Applicant's tenant, Mr McGinnis indicating that access to the property would only be given to a particular named individual within the Respondent's organisation and that no one else would be unless they provided their "professional accreditation". This does not appear to be reasonable. In the Committee's view such behaviour is obstructive. The Committee expects and trusts that full access will be given by or on behalf of the Applicant to anyone whom the Respondent instructs to progress and remedy the difficulties which form the principal subject matter of the dispute between the parties which is before the Committee.

- vii. For the avoidance of doubt if either of the parties wish an Oral Hearing to be fixed in respect of the Application before the Committee then such a date will be fixed at their request.

Signed
Chairperson

Date 24 November 2015



Direction of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012

DIRECTION 6

Hohp Ref: HOHP/PF/15/0045

Re:- FLAT 0/1 42 NORTHLAND DRIVE, GLASGOW G14 9BD

The Parties:-

Donald Campbell, 9/11 (Flat 14) Victoria Circus, Glasgow G12 9LB (the "Applicant and Homeowner")

Glasgow Housing Association, 173 Trongate, Glasgow G1 5HF (the "Respondent and Property Factor")

Committee :-

Richard Mill (Chairman), Charles Reid Thomas (Surveyor Member) and Colin Campbell (Housing Member)

The Committee has received and considered the correspondence received from both parties in terms of their emails both dated 17 December 2015, and Directs:-

- i. The parties said correspondence will be copied to the other for their information. The parties are not invited to provide further correspondence or submissions to the Committee at this stage.
- ii. The submissions received from the Respondent upon the Structural Engineer report instructed by the committee prepared by DCF Design Consultants will be sent to DCF for their comments which are required to be provided to the Committee by 29 January 2016. It is specifically requested that DCF Design Consultants provide commentary and further explanation in respect of work to be undertaken to the balcony above the property. Upon receipt such commentary will be issued to parties. They are not however invited to submit further submissions thereon.

- iii. A Procedural Hearing is assigned to take place at Wellington House, 134-136 Wellington Street, Glasgow G2 2XL on 3 March 2016 at 10am.

Signed
Chairperson

Date 24 December 2015



Direction of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012

DIRECTION 7

Hohp Ref: HOHP/PF/15/0045

Re:- FLAT 0/1 42 NORTHLAND DRIVE, GLASGOW G14 9BD

The Parties:-

Donald Campbell, 9/11 (Flat 14) Victoria Circus, Glasgow G12 9LB (the "Applicant and Homeowner")

Glasgow Housing Association, 173 Trongate, Glasgow G1 5HF (the "Respondent and Property Factor")

Committee :-

Richard Mill (Chairman), Charles Reid Thomas (Surveyor Member) and Colin Campbell (Housing Member)

The Committee, having resumed consideration of the application and having noted the comments of Mr Alistair McVitie of DCF Design Consultants comprised within their email 15 January 2016, conclude that further investigation into the defects noted at the property require to be undertaken. The Committee now require a further Report from Mr McVitie with the following specific remit:-

"To carry out a further structural survey to confirm the cause of the damage to the downstand, lintel and window unit and to prepare a specification of what needs to be done to remedy the situation and prevent any further water ingress. It is specifically requested that the structural surveyor accesses the balcony above the homeowner's flat to inform his report. The surveyor is also asked to comment whether the downstand concrete section of the balcony unit is structural";

; with a requirement that said Report be produced to the Committee no later than Friday 25 February 2016.

Upon receipt of the further Report instructed in terms of item 1 above this will be exhibited to both parties forthwith and they are invited to provide succinct commentary upon same within a period of 7 days of receipt.

The Committee is concerned by the Respondent's claim that the Homeowner's tenant did not allow a representative of the Respondent's claim that the Homeowner's tenant did not allow a representative of the Respondent to participate in the DCF inspection. Reference is made to the Committee's comments in Direction 5, paragraph vi. The Homeowner and his tenant should ensure full flexibility for the further inspection to be carried out both by representatives of DCF Design Consultants and all and any members of the Respondent's organisation. Failure to do so may lead the Committee to conclude that there is a lack of good faith on the part of the Homeowner and / or his tenant to seek to advance the matter and any further enquiries and Reports may require to be undertaken at the sole cost of the Homeowner accordingly.

Given the further enquiries to be made, and it being desirable to delay the next Procedural Hearing, the Hearing assigned to take place on 3 March 2016 will be Discharged and in lieu thereof a fresh Procedural Hearing assigned to take place at Wellington House, 134-136 Wellington Street, Glasgow G2 2XL on 15 March 2016 at 10.00 am.

Signed
Chairperson

Date 29 January 2016



Homeowner Housing Panel
Europa Building
450 Argyle Street
GLASGOW
G2 8LH

Our Ref. 15097/MR/DM

18th November 2015

Dear Sirs,

Flat 0/1, 42 Northland Drive, Glasgow, G14 9BD
Ingress of Water to the Property

DCF Design Consultants were instructed by the Homeowner Housing Panel to undertake a Structural Inspection of the lintel and slab above the Lounge Windows of the property, where water ingress is occurring within the property. The inspection was undertaken on Tuesday the 17th November on a day of intermittent rain, but little wind. The survey was limited to a visual inspection of the affected areas within the flat. Access could not be provided to the external balcony above the flat, but access to a similar balcony was provided by the Concierge Staff for the block. We have not inspected woodwork or other parts of the structure which are covered, unexposed or inaccessible and are therefore unable to report that any such part of the property is free from defect.

The flat is a Ground Floor property within a block of flats, which were probably constructed in the 1960's. The construction appears to be load bearing masonry with concrete floor constructions. External recessed balconies are provided to each of the four flats per floor plate, with Flat 0/1 being the flat in the south west corner of the block, which is most exposed to the prevailing wind direction.

A limited number of flats have had the glazed screen wall to the rear of the external balcony removed and a set of three windows provided above the precast concrete pedestrian barrier unit, located on the external profile of the building. This arrangement has been provided within Flat 0/1, but not to the flat above, where the external balcony is still present.

It could not be confirmed by the present owners of the flat when the alteration to the flat had been undertaken, or whether by a previous owner, or by Glasgow City Council, the former owners of the building. There was a suggestion that the alterations were undertaken around 1990, but this could not be confirmed.

C O N S U L T I N G C I V I L + S T R U C T U R A L E N G I N E E R S

Inspection

Within the flat the current owner advises that water is entering the flat from above and runs down the internal face of the windows and walls. This tends to occur with rain and a south westerly wind. The owner advises that dampness is beginning to spread to the side walls of the lounge, where located below the external balcony.

The underside of the balcony unit, within the flat is covered with insulation and plasterboard. There is a small downstand to the edge of the concrete balcony unit, approximately 100mm wide and 75mm deep, to which the top of the infill windows is fixed too through a timber runner. Within the flat, the concrete face of the downstand concrete section is exposed. The concrete downstand has at least one longitudinal steel reinforcement bar within its width, which is exposed over an approximate 750mm length to the left of the lounge. The bar is heavily corroded and pieces of loose concrete can be picked out. The concrete is cracked to the right side of the lounge, again probably due to the corroding reinforcement bar. The concrete is wet to the touch, although there was no obvious water ingress to the flat at the time of our inspection. The owner of the flat advises that it is not possible to open the infill windows, due to the downwards pressure being generated on the window frames from the corroding reinforcement bar.

It was not possible to access the upper surface of the balcony unit above Flat 0/1, but access was given to Flat 3/3, which is on the opposite side of the block, but is assumed to be a typical construction throughout the building. The balcony unit is a simple concrete slab assumed to be spanning the approximate 2.5m length of the balcony, onto the brickwork side walls. The depth of the balcony is approximately 900mm. There is no upstand to the front of the balcony, therefore water which collects on the balcony will simply shed down the face of the building. The waterproof membrane of the balcony at Flat 3/3 was an asphalt coating. This was quite extensively cracked and had relatively small vertical upstands, 75mm or less, before being wriggled into the wall construction. The asphalt membrane appeared to simply turn down the external face of the balcony unit, by approximately 40mm. It could not be determined if the membrane is wriggled into the face of the balcony unit.

Summary

The cause of the water ingress is almost certainly due to a defective waterproof membrane to the external surface of the balcony of Flat 1/1. It is recommended that the existing assumed asphalt membrane be thoroughly stripped out and the underlying concrete allowed to dry out. Apply a proprietary mortar screed to ensure that water will shed off the balcony unit, down the face of the building. A new waterproof membrane, either mastic asphalt, or a sheet membrane such as Proofex or Bituthene should be applied to the surface of the balcony units with wriggles into the supporting side structure being a minimum of 150mm above the surface of the balcony. The waterproof membrane should be continued if possible down the external face of the balcony unit. If a sheet membrane is provided, install the recommended protection boards, before installing a tiled or similar wearing surface the upper surface of the balcony unit.

Within Flat 0/1, remove the existing windows and frames and set aside for re-use. The downstand concrete section of the balcony unit should be carefully removed, if it is considered to be non-structural. The corroding bar reinforcement should be removed and the underside of the unit repaired with a suitable epoxy mortar coating. If the downstand is considered to be contributing to the structural stability of the balcony slab, the existing corroding bar, or bars, should be thoroughly cleaned and primed with a corrosion inhibitor, before recasting the concrete section with a proprietary repair mortar, by Fosroc or equivalent.

It is suggested that a weatherproof board, with insulation behind, be provided in front of the exposed concrete section of the balcony unit. This can include a drip check flashing at its base to try to prevent water running down the face of the elevation. The removed window units can then be reinstated, after ensuring that the frames are not damaged and that the windows will open freely.

We trust that the above Report is of assistance in resolving the water ingress to Flat 0/1. Should there be any queries on the Report do not hesitate to contact our office.

Yours sincerely,

M D Robertson
for DCF Design Consultants

From:
Sent: 15 January 2016 12:41
To:

We are in receipt of HOHP letter dated 6th January 2016 requesting further advice and comments on views given by the Factor on our report. The letter includes considerable background information.

We were asked by Stewart Hamilton of Building Consultancy to provide a quotation for having a look at the problem and reporting. We were provided with no brief as to the background or detail of the inspection required. The inspection was visual non-disruptive and without access being available to the balcony above. Views were expressed within these limitations and without clear visual evidence of what the construction is behind finishes. Various assumptions had therefore to be made. In addition the problem is likely to be non-structural being related to the water ingress, which any general practice Building Surveyor or Architect could comment on. You nevertheless sought the opinion of a Structural Engineer.

We can peruse all the information you have provided and make further comment, but advise that further fees will apply. These would be charged on a time basis at £90/hr (myself) and £75/hr (Mr Robertson). Please confirm you wish us to proceed on this basis.

Regards,

Alistair McVitie

15097/F/AM/TM

DCF Design Consultants
Consulting Civil + Structural Engineers
4 Woodside Terrace
GLASGOW
G3 7UY

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From:
Sent:
To:
Cc:

We attach a chain of emails regarding our correspondence with Tom Cuthill of Your Place regarding the original construction details of the building at 42 Northland Drive. They appear not to have any detailed information which is relevant to the ongoing water ingress to the Ground Floor Flat 0/1.

We had suggested at the last meeting on site, that there was a possibility of water being transferred across the cavity from wall ties which are coated in mortar. Tom had agreed then to undertake a boroscope survey of the cavity wall construction on which the balcony units rest. He now appears to be unwilling to undertake this due to the external insulated render system which was installed in 2007. While we agree that this should reduce the possibility of rainwater penetration into the cavity wall construction, it was probably not applied to the return walls of the balcony recesses.

With regard to the possibility of the water penetration coming from the joint between the head of the infill window and the balcony slab unit, we would expect there to be drip detail and a mastic sealant to seal around the window frame. We have not undertaken a close inspection of the joint, which would require a ladder access, but it does appear to be in reasonable condition.

The underside of the balcony unit has been provided with insulation to limit the possibility of condensation occurring on the internal face of the balcony slab unit. The plasterboard and insulation were only removed locally in response to the water ingress which has been occurring, and appears to be worsening. Where the concrete of the balcony slab is exposed it does appear that the water ingress is seeping through the body of the concrete.

We would not agree with the last sentence as a defective waterproof membrane to an external balcony slab is likely to lead to water penetration to the construction below, which over time will generally cause a deterioration of the balcony structure, as is evident within Flat 0/1.

We are unaware if Tom has approached the occupier of the flat above, to determine if it would be possible to uplift and replace the tiled finish and timber deck, which has been provided. Without confirmation of the condition of the asphalt membrane to this balcony it is difficult to provide a definitive statement on the source of the water ingress to Flat 0/1.

Regards

Martin Robertson

DCF Design Consultants

DCF Design Consultants
Consulting Civil + Structural Engineers
4 Woodside Terrace
GLASGOW
G3 7UY

Martin,

Thanks for your email, I had a look through the available drawings and those are the only ones which are in any way helpful.

Having discussed this further, we do not believe carrying out a bore-scope inspection will assist at this point. We would expect to see water marks on the internal walls were wall ties transferring moisture, and certainly at points other than the affected area. In addition to this, the building had an insulated render system installed in 2007 so rain penetration via external walls is an unlikely source in our opinion.

We believe the root cause of the problem is the alteration of the property and poor window detail externally meaning that water run-off from the balcony above comes down the building and penetrates any weak points with the flush window join. Persons unknown have tried to prevent this in the past by applying mastic sealant and a lead detail to encourage water to drip away from the building. The issue is then exacerbated by moisture condensing on the exposed concrete internally, where a cold spot has been created on what was designed to be an external part of the property. It should also be noted that the area above is an external balcony, as the space in Mr Campbell's property was originally, and was never designed to be water-tight.

Happy to discuss further.

Regards.

Tom.

Tom

Thanks for the drawings of Block 84 which you forwarded yesterday.

The drawings do not give much information re the construction of the balcony floors, other than noting a cavity wall construction at each recess wall. It is assumed but it is not stated that the balcony slab will be independent from the assumed reinforced concrete internal floor slab, although possibly not. We assume that the drawing information which has been provided is all that is available.

Have you been able to undertake the agreed boroscope tests of the side recess walls, within the flat. We will compile a 'final report' when these are available.

Regards

Martin Robertson

DCF Design Consultants

Consulting Civil + Structural Engineers
4 Woodside Terrace
GLASGOW
G3 7UY

Dear Mr Robertson,

Please find attached drawings of the above property as discussed at our recent meeting.

Regards,

Tom.



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