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EXPERT WITNESS REPORT HOUSING DISREPAIR

At 58 Mill Road, Purbrook, PO7 7BZ

Between:

Suzanne Humphries (Claimant)

and

Guinness Partnership (Defendant)

Prepared by:		Damien George
Inspection date:		Saturday 10 th July 2021
Report Dated:		Friday 30 th July 2021

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I.0 INTRODUCTION

1.1 THE AUTHOR

This report was written by Damien George, Associate member of the Royal Institute of Chartered Surveyors. Mr. George has 6 years' experience within the Construction Industry, having worked within the Private and Public Sectors, representing a range of Clients. Mr George's experience has been obtained largely within the local Councils/social housing and education building inspections, conduct feasibility studies to determine project scope, estimated cost and forecast programmes and carry out building, condition and measured surveys, defect diagnosis and report writing.

1.2 INSTRUCTIONS

Instructions from Trafford Law Solicitors were received by email on June 22nd, 2021.

I have been instructed as an Independent Single Joint Expert Witness to carry out an inspection of the property and provide a report on matters of disrepair.

I have had sight of the following documents:

1. Letter of Instruction dated 22nd June 2021
2. Letter of Claim dated 20th May 2021

1.3 REPORT

This report focuses on the landlord's implied repairing obligations under sections 9a, 10, and 11 of the Landlord and Tenant Act 1985. Where appropriate this report will also refer to Section 4 of the Defective Premises Act 1972 and the tenancy agreement currently in force.

References made to "Front" and "Rear", "Right" and "Left" are as if stood on the street facing the main entry door to the whole property.

Costs given in Appendix 1 are calculated using BCIS Schedule of rates

Photographs in Appendix 2 should be referred to when reading this report.

1.4 INSPECTION

At the time of the inspection, the weather conditions were dry. The outside temperature was circa 13 Degrees Centigrade.

A visual inspection was undertaken, with no opening up of the structure unless stated within this report.

Moisture readings were taken using an MMS protimeter.

All inspection and photographic work were undertaken by the author.

1.5 PROPERTY DESCRIPTION

The property comprises of a three-bedroom semi-detached house with UPVC windows. Access to the house at the front entrance of the property. The building has been constructed through solid brick design and with a pitched roof.

1.6 ALLEGED DISREPAIR

Items listed in Letter of Claim:

1. Damp throughout the property due to water ingress.
2. Mould throughout the property due to water ingress
3. Damaged/ defective ceilings
4. Damaged/ defective plaster work
5. Leak from roof
6. Damaged décor

I have been advised that the landlord is aware of the issues relating to the disrepair.

2.0 FINDINGS AND RECOMMENDATION

2.1 Item 1. Damp throughout the property due to water ingress

Findings

2.2 Upon inspection of the rear upstairs bedroom, damp penetration was observed on the rear wall and requires hacking off.

2.3 Saturated and high Wet readings were recorded, using a Protimeter MMS, in search modes on the rear wall which was recorded at 1000% MC.

Causation

2.4 As per point 2.1.1, defective brickwork to the rear elevation has led to water ingress causing plaster damage onto wall.

Remedial Works

2.5 Re-pointing works required to rear elevation as there are a few spalled bricks.

2.6 Rear upstairs bedroom wall will need to be hacked off and allowed to dry with an industrial dehumidifier before re-plastering with waterproof render and then apply skim coat to make good. Once completed, apply two coats of white emulsion paint to wall.

2.2 Item 2- Mould throughout the property due to water ingress

Findings

2.2.1 When inspecting the storage cupboards in the rear middle bedroom, damp and mould growth was observed on the walls and ceiling.

2.2.2 Saturated and high Wet readings were recorded, using a protimeter MMS, in search modes on the rear wall which was recorded at 1000% MC.

2.2.3 Brown water staining was observed on the ceiling of the storage cupboard.

- 2.2.4** During the rest of the inspection, I can confirm there is no mould growth situated anywhere else in the property.

Causation

- 2.2.5** The cause of damage to the storage cupboards is due to an ongoing roof leak which requires an investigation.

- 2.2.6** As the survey was only visual in nature it was not possible to view the entire pitched roof of the property and provide exact findings.

Remedial Works

- 2.2.7** An investigation is required to check full integrity of the roof and a report should be provided.
- 2.2.8** Entire storage cupboard will need to be hacked off and allowed to dry with an industrial dehumidifier before re-plastering with waterproof render and then apply skim coat to make good. Once completed, apply two coats of white emulsion paint to wall.

2.3 Item 3- Damaged/ defective ceilings

Findings

- 2.3.1** Upon inspection of the living room, brown water staining was observed on the plasterboard ceiling.
- 2.3.2** Upon inspection of the upstairs front right bedroom, brown water was observed on the plasterboard ceiling.

Causation

- 2.3.3** Similar to point 2.2.5 an ongoing roof leak has led to damage to plasterboard ceilings.

Remedial Works

- 2.3.4** New section of plasterboard ceiling required to bedroom and living room with decorative works to match existing ceiling.

2.4 Item 4- Damaged/ defective plaster work

Findings

- 2.4.1** During my inspection of the property, all defective plasterwork has been listed in items 1,2 and 3.

Causation

- 2.4.2** Refer to point 2.4.1

Remedial works

- 2.4.3** Refer to point 2.4.1

2.5 Item 5- Leak from roof

Findings

- 2.5.1** As mentioned in 2.2.5, it is evident from the internal damage that there is an ongoing leak occurring from the roof.

- 2.5.2** The current roof to the property is pitched designed with concrete roof tiles.

Causation

- 2.5.3** Refer to point 2.2.6

Remedial works

- 2.5.4** Refer to point 2.2.7

2.6 Item 6- Damaged décor

Findings

- 2.6.1** During my inspection of the property, all defective plasterwork has been listed in items 1,2 and 3.

Causation

- 2.6.2** Refer to 2.6.1

Remedial works

2.6.3 Refer to point 2.6.1

3.0 CONCLUSIONS

3.1 Following my inspection, the property is in fair condition however images clearly showing the property is suffering from damp penetration. Defective brickwork has led to water penetrating through and causing significant damage to the rear wall.

Brown water staining was observed on the ceilings of the living room and one of the bedrooms which indicates a leak is active from the roof.

I am of the opinion that the occupants do not need to be decanted whilst works are going on in the property.

3.2 Guinness Partnership have breached their duties under:

- Section 9a Landlord and Tenant Act 1985
- Section 11 Landlord and Tenant Act 1985

3.3 The Scott Schedule in Appendix 1 of this report identifies:

- Defects as a direct consequence of failure to carry out repairs under section 9-11 of the Landlord and Tenant Act 1985.

3.4 I find the landlord in breach of its duty to ensure the property is and will remain fit for human habitation during the term of the tenancy as outlined in the Homes (Fitness for Human Habitation) Act 2018 which amends the Landlord and Tenant Act 1985.

3.5 Total value of works: : £5,738.00 VAT

Time to complete works: : 14-21 days to complete the works

Decanting required: : No

Prospective life of property : The property has good life expectancy

4.0 EXPERT DECLARATION

4.1 I Damien George, DECLARE THAT:

1. I understand that my duty in providing written reports and giving evidence is to help the Court, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.
2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
4. I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
5. I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 3 and 4 above.
6. I have shown the sources of all information I have used.
7. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
8. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
9. I have not, without forming an independent view, included, or excluded anything which has been suggested to me by others, including my instructing lawyers.
10. I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
11. I understand that;
 1. my report will form the evidence to be given under oath or affirmation;
 2. questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth;

3. the court may at any stage direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties;
 4. the court may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing;
 5. I may be required to attend court to be cross-examined on my report by a cross-examiner assisted by an expert;
 6. I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.
12. I have read Part 35 of the Civil Procedure Rules, the accompanying practice direction and the Guidance for the instruction of experts in civil claims and I have complied with their requirements.
13. I am aware of the practice direction on pre-action conduct. I have acted in accordance with the Code of Practice for Experts and the code of conduct for experts of my discipline, namely surveyors acting as expert witnesses.

4.2 Statement of Truth:

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed by: *Damien George ASSOCRICS*

Dated: 30/07/2021



APPENDIX I – SCOTT SCHEDULE

Claimant: Suzanne Humphries				Property address: 58 Mill Road, Purbrook, PO7 7BZ									
ITEM	Details of disrepair	Breach	Assessment of remedial works required:	Assessment of costs.				Defendant's Assessment Comments.	Defendant's Assessment of Remedial Work Required.	Defendant's Assessment of Costs.			
External	Roof survey required on roof to determine full extent of damage. Defective brickwork requires re-pointing to the rear elevation.	S11	Scaffolding: Provide, erect, maintain for a period ne one week and dismantle tubular scaffolding ne 10.00m high and ne 5.00m girth, with ladders, pulley ropes, wheel fixings etc.	£1200.00									
			Provide roof survey to determine full extent of damage	£350.00									
			Wall: Rake out existing joints of brickwork minimum 12mm deep and repoint brickwork in mortar to match existing and remove spoil.	£688.00									
			Subtotal: £2,238.00										
Rear upstairs bedroom	Water ingress from defective brickwork has led to severe damage onto rear wall and requires hacking off	S11	Wall: Hack off any type of plaster or rendered finish and apply two coat waterproof cement render, finished to receive direct fixed dry lining (dry lining not included).	£410.00									
			Apply new plaster skim coat including fair joint to any existing plaster finish.	£180.00									
			Apply two full coats of emulsion to wall and ceilings.	£90.00									
			Subtotal: £680.00										



Rear middle bedroom	Entire storage cupboard will need to be hacked off and re-plastered following damage from the ongoing roof leak	S9a	Wall: Hack off any type of plaster or rendered finish and apply two coat waterproof cement render, finished to receive direct fixed dry lining (dry lining not included).	£650.00						
			Apply new plaster skim coat including fair joint to any existing plaster finish.	£270.00						
			Apply two full coats of emulsion to wall and ceilings.	£100.00						
				Subtotal: £1,020.00						
Upstairs front bedroom	Brown water staining was observed on the ceiling and on the left side wall and requires hacking off.	S11/S9a	Ceiling: Supply, cut and fix n.e.12.5mm plasterboard, scrim joints and 3mm skim plaster to ceiling, including additional support battens, noggins to joists, including all labours.	£350.00						
			Apply new plaster skim coat including fair joint to any existing plaster finish.	£150.00						
			Apply two full coats of emulsion to wall and ceilings.	£80.00						
			Wall: Hack off any type of plaster or rendered finish and apply two coat waterproof cement render, finished to receive direct fixed dry lining (dry lining not included).	£410.00						
			Apply new plaster skim coat including fair joint to any existing plaster finish.	£150.00						
			Apply two full coats of emulsion to wall and ceilings.	£80.00						
				Subtotal: £1,220.00						
Living room	Brown water staining was observed on the ceiling of the living room and requires a new section of plasterboard	S11/S9a	Ceiling: Supply, cut and fix n.e.12.5mm plasterboard, scrim joints and 3mm skim plaster to ceiling, including additional support battens, noggins to joists, including all labours.	£350.00						
			Apply new plaster skim coat including fair joint to any existing plaster finish.	£150.00						
			Apply two full coats of emulsion to wall and ceilings.	£80.00						
				Subtotal: £580.00						



			Total: £5,738.00 Plus VAT							

APPENDIX 2 – PHOTOGRAPH SCHEDULE



Image of damp penetration to rear wall of bedroom



Image of mould growth and damp penetration to storage cupboard



Image of mould growth brown water staining on left hand side wall to bedroom



Image of damage section of plasterboard ceiling



Image of defective brickwork to rear elevation



APPENDIX 3 – EXPERT CURRICULUM VITAE

Damien George AssocRICS

EXPERIENCE

From September 2015 – August 2017- Legal Surveyor – Lambeth Council

- Liaising with contractors
- Carrying out pre and post disrepair surveys
- Overseeing live disrepair cases and ensuring their deadlines are met.
- Writing and preparing specifications for repairs and maintenance work and major repairs
- Communicating with residents and solicitors

From September 2017- April 2019- Building Surveyor- CBRE

- Assisting in dilapidation matters
- Preparing schedule of conditions
- Preparing contract admin
- Inspecting commercial buildings and assessing causes of damage
- Assisting building survey matters and preparing the reports.
- Assisting with expert witness reports

From April 2019- March 2021- Legal Disrepair Surveyor- Islington Council

- Liaising with contractors
- Liaising with solicitors
- Preparing repair specifications
- Communicating with clients
- Inspecting residential buildings
- Determining causes of damage
- Managing contractors

From February 2021- Present – Freelance Disrepair Surveyor- Legal Surveyors UK

- Property Expert Reports
- Inspecting residential buildings
- Preparing Scott Schedules



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- Assessing causes of damage
 - Communicating with residents

APPENDIX 4 – HHSRS: THE 29 HAZARDS

	Hazard	Effect
1	Damp and mould growth Health threats due to dust mites, mould or fungal including mental and social wellbeing health threats associated with damp, humid and mouldy conditions	Allergies, asthma, effects of toxins from mould and fungal infections
2	Excess cold Threats to health from cold indoor temperatures. A healthy indoor temperature is 18oC to 21oC	Respiratory conditions: flu, pneumonia, and bronchitis Cardiovascular conditions: heart attacks and strokes
3	Excess heat Threats due to high indoor temperatures	Dehydration, trauma, stroke, cardiovascular and respiratory
4	Asbestos and MMF Exposure to asbestos fibres and Manufactured Mineral Fibres (MMF)	Asbestos: Damage to lungs MMF: Damage to skin, eyes, and lungs
5	Biocides Threats to health from chemicals used to treat timber and mould growth	Risk from breathing in, skin contact and swallowing of the chemical
6	Carbon Monoxide and fuel combustion products Excess levels of carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke	Dizziness, nausea, headaches, disorientation, unconsciousness and breathing problems
7	Lead Threats to health from lead ingestion from paint, water pipes, soil, and fumes from leaded petrol	Lead poisoning causing nervous disorders, mental health, and blood production issues
8	Radiation	Lung cancer caused by exposure, which increases amount and length of exposure

	Health threats from radon gas and its daughters, primarily airborne but also radon dissolved in water	
9	Uncombusted fuel gas Threat from fuel gas escaping into the atmosphere within a property	Suffocation
10	Volatile organic compounds Threat to health from a diverse group of organic chemicals including formaldehyde that are gaseous at room temperature and can be found in a wide variety of materials in the home	Allergies, irritation to the eyes, nose and skin, headaches, nausea, dizziness, and drowsiness
11	Crowding and space Hazards associated with lack of space for living, sleeping and normal household or family life	Psychological distress and mental disorders, increased risk of hygiene issues, accidents and personal space and privacy compromised
12	Entry by intruders Problems keeping a property secure against unauthorised entry and maintaining defensible space	Fear of burglary occurring, stress and anguish caused by burglary and injuries caused by the intruder
13	Lighting Threats to physical and mental health associated with inadequate natural or artificial light, including the psychological effects associated with the view from the property through glazing	Depression and psychological effects due to lack of natural light. Eye strain from glare and inadequate light
14	Noise Threats to physical and mental health due to exposure to noise within the property or within its curtilage	Psychological and physiological changes resulting from lack of sleep, poor concentration, headaches, and anxiety

15	Domestic hygiene, pests, and refuse Health hazards due to poor design, layout and construction making it hard to keep clean and hygienic, attracting pests and inadequate and unhygienic provision for storing household waste	Stomach and intestinal disease, infection, asthma, allergies, disease from rats and physical hazards
16	Food safety Threats of infection from poor provision and facilities to store, prepare and cook food	Stomach and intestinal disease, diarrhoea, vomiting, stomach upset and dehydration
17	Personal hygiene, sanitation, and drainage Threats of infections and threat to mental health associated with personal hygiene, including personal and clothes washing facilities, sanitation, and drainage	Stomach and intestinal disease, skin infections and depression
18	Water supply Threats to health from contamination by bacteria, parasites, viruses, and chemical pollutants due to the quality of water supply for drinking household use such as cooking, washing and sanitation	Dehydration, fatigue, headaches, dry skin, bladder infections and legionnaires disease
19	Falls associated with baths Falls associated with a bath, shower, or similar facility	Physical injuries: cuts, lacerations, swellings, and bruising
20	Falls on the level surfaces Falls on any level surface such as floor, yards, and paths, including falls associated with trip steps, thresholds, or ramps where the change in level is less than 300mm	Physical injuries: bruising, fractures, head, brain, and spinal injuries
21	Falls associated with stairs and steps Falls associated with stairs and ramps where the change in level is greater than 300mm. It includes internal stairs or ramps within a property, external	Physical injuries: bruising, fractures, head, brain, and spinal injuries

	steps or ramps associated with the property, access to the property and to shared facilities or means of escape from fire and falls over stairs, ramp, or step guarding	
22	Falls between levels Falls from one level to another, inside or outside a dwelling where the difference is more than 300mm. Including falls from balconies, landings or out of windows	Physical injuries
23	Electrical hazards Hazards from electric shock and electricity burns	Electric shock and burns
24	Fire Threats to health from exposure to uncontrolled fire and associated smoke. It includes injuries from clothing catching fire, a common injuring when trying to put a fire out.	Burns, being overcome by smoke or death
25	Flames, hot surfaces, and materials Burns or injuries caused by contact with a hot flame or fire, hot objects, and non-water-based liquids. Scalds caused by contact with hot liquids and vapours.	Burns, scalds, permanent scarring, and death
26	Collision and entrapment Risks of physical injuries from trapping body parts in architectural features such as trapping fingers in doors and windows and colliding with objects such as windows, doors, and low ceilings	Physical injuries such as cuts and bruising to the body
27	Explosions Threats from the blast of an explosion, from debris generated by the blast and from partial or total collapse of a building as a result of the explosion	Physical injuries, crushing, bruising, puncture, fractures, head, brain, and spinal injuries

28	Ergonomics Threats of physical strain associated with functional space and other features at the dwelling	Strain and sprain injuries
29	Structural collapse and falling elements The threat of the dwelling collapsing, or part of the fabric being displaced or falling due to inadequate fixing or disrepair or as a result of adverse weather conditions.	Physical injuries