

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006 Section 24**

**Chamber Ref:** FTS/HPC/RT/19/2764

**Title no/Sasines Description:** WLN6357

**Property Address:** 26 Drumacre Road, Bo'ness EH51 9QR ("the house")

**The Parties:** Falkirk Council ("the Third Party Applicant")  
Miss Lea Allan ("the Tenant")  
Mrs Doreen Tranent ("the Landlord")

**Tribunal Members:**  
Mark Thorley (Legal Member)  
Sara Hesp (Ordinary Member)

Whereas in terms of their decision dated 18 November 2019. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') determined that the landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("The Act") and in particular that the landlord has failed to ensure that:-

- (a) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

the tribunal now requires the landlord 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 tribunal requires the landlord:-

- (a) To replace the floor in the kitchen;
- (b) To obtain Minor Electrical Installation Works Certificate for a socket in the livingroom to be produced by a suitably accredited/registered member of NICEIC/NAPIT or SELECT.

The tribunal order that the works specified in this Order must be carried out and completed within the period of two months from the date of service of this Notice.

**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.

**Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.**

**In witness whereof these presents type written on this and the preceding page(s) are executed by Mark Thorley solicitor 20 Hopetoun Street Edinburgh chairperson of the tribunal at Edinburgh on 20th December 2019 before this witness:-**

M Thorley

N Conroy

**witness**

**chairperson**

N Conroy

**name in full**

**Address**

**Signed** N Conroy

**Dated** 20.12.19