



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Section 26 of the Housing (Scotland) Act 2006**

**Property : 16 Stewartry Avenue, Dumfries DG2 0PG (registered under title number DMF13850) (“Property”)**

**Parties:**

**Dumfries & Galloway Council, Housing and Licensing Standards, Municipal Chambers, Buccleuch Street, Dumfries DG1 2AD (“Third Party”)**

**Suzanne Skinner, 16 Stewartry Avenue, Dumfries DG2 0PG (“Tenant”)**

**John and David Yorke, 46 Drumlane Road, Upperlands, Maghera, County Londonderry BT46 5XE (“Landlord”)**

**Joan Devine (Legal Member); Nick Allan (Ordinary Member)**

**DECISION**

The Tribunal determined that the Landlord has failed to comply with the Repairing Standard Enforcement Order dated 23 February 2023 (“RSEO”) within the period of time set out in the RSEO. Notice of the failure will be served on the local authority. The Tribunal's decision is unanimous.

**Background**

The Tribunal issued a decision dated 23 February 2023 requiring the Landlord to comply with the RSEO relative to the Property issued by the Tribunal on the same date. The RSEO required the Landlord to:

- 1. Install a smoke alarm in the living room, position a carbon monoxide monitor in accordance with Scottish Government requirements, fit a heat detector in the kitchen, and ensure all alarms are interlinked.**
- 2. Provide to the Tribunal a current Electrical Installation Condition Report from a SELECT, NICEIC or NAPIT registered electrician following a full inspection of the electrical installation and apparatus throughout the Property confirming the installation and apparatus is fully functioning and meets current regulatory standards and a current Gas Safety Certificate for the Property confirming that there are no issues with the back boiler, thermostatic controls and that all radiators are fully functioning..**
- 3. Replace the plastic panel in the front door with appropriate security graded glass.**

The Tribunal ordered that the works specified in this order must be carried out and completed within the period of 6 weeks from the date of service of the RSEO.

A re-inspection was scheduled to take place on carried out on 30 August 2023. In advance Tribunal Administration had checked with the Landlord that access would be given. The Landlord confirmed that it would. The Tribunal attended the Property on 30 August 2023 but were unable to gain access. From a visual inspection of the exterior of the Property it was apparent that the works detailed in part 3 of the RSEO had not been carried out.

A Direction dated 30 August 2023 was issued to the Landlord in the following terms :

The Landlord is required to lodge with the Tribunal by **5pm on 15 September 2023** :

1. A current Electrical Installation Condition Report from a SELECT, NICEIC or NAPIT registered electrician following a full inspection of the electrical installation and apparatus throughout the Property confirming the installation and apparatus is fully functioning and meets current regulatory standards. The EICR should include specific reference to the provision for smoke and heat detection in accordance with existing Scottish Government guidelines.
2. A current Gas Safety Certificate for the Property confirming that there are no issues with the back boiler, thermostatic controls and that all radiators are fully functioning.

The Landlord did not lodge a response to the Direction.

### Reasons for Decision

The Tribunal unanimously determined that the Landlord has failed to comply with the RSEO within the period of time for completion of the works set out in the RSEO. No attempt has been made to carry out the necessary works. As the Property is no longer occupied the Tribunal did not make a rent relief order in terms of section 27 of the Housing (Scotland) Act 2006.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party 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.**

**J.Devine  
Legal Member  
2 October 2023**