

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

**STATEMENT OF DECISION OF THE TRIBUNAL
UNDER SECTION 25(1)
OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

122 Hayfield Drive, Denny FK6 5PB ("the House")

The Parties:

Falkirk Council, Suite 2, Callendar Business Park, Falkirk FK1 1XR ("the Third Party")

Marie Barrett and Paul Barrett, 6 Clayton Park, Bridge of Earn, Perth PH2 9FD ("the Landlord")

Reference number: FTS/HPC/RT/23/3111

Tribunal members:

**John McHugh, Chairperson
Greig Adams, Ordinary (Surveyor) Member.**

DECISION

The Tribunal decides to vary the Repairing Standard Enforcement Order dated 28 November 2023.

Background

On 28 November 2023 the Tribunal issued its decision that the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the Act. On the same date, the Tribunal issued a Repairing Standard Enforcement Order ("the RSEO") in the following terms:

"In particular, the Tribunal requires the Landlord:

1 To provide to the Tribunal a Landlord's Gas Safety Certificate which confirms the gas installations at the House to be satisfactory and which makes no adverse comment regarding the absence of earth bonding or of carbon monoxide detection.

2 To provide to the Tribunal an Electrical Installation Condition Report (EICR) produced by a suitably qualified electrician which confirms the electrical installations at the House to be in safe working order. Guidance as to suitably competent electricians is available in the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property.

The Tribunal orders that the works specified in this Order must be carried out and completed within 31 days from the date of service of this Notice."

Reasons for the Decision

The Landlord had made available in advance of the inspection a Landlord's Gas Safety Certificate dated 30 August 2023. It noted the absence of earth bonding and the absence of carbon monoxide detectors.

The Tribunal observed the existence of a carbon monoxide detector during the inspection on 24 November 2023.

The Landlord has produced a satisfactory EICR dated 15 November 2023. It confirms that the earth bonding is satisfactory.

As these two issues have been addressed, the Tribunal considers it appropriate to vary the RSEO to remove the requirement at paragraph 1. The Third Party confirms that it has no objections to this course of action.

Decision

The Tribunal, considering the terms of section 25 of the Act, determined that the RSEO will be varied by the removal of the requirement contained in paragraph 1.

The decision of the Tribunal was unanimous.

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Effect of Section 63 of the 2006 Act

Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

John M McHugh
Chairperson

Date: 3 January 2024