

Housing and Property Chamber First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order: Housing (Scotland) Act 2006 Section 24 (2)
(as varied)

Reference number: FTS/HPC/RP/23/0641

Property : 28 Rashiehall Road, Slamannan FK1 3HL (Registered under title number STG43263) ("Property")

Parties:

Falkirk Council, The Forum, Suite 2, The Forum, Callendar Business Park, Falkirk KK1 1XR("Third Party")

Joanne Reid-Williams, 28 Rashiehall Road, Slamannan FK1 3HL ("Tenant")

Jane Henderson and Mark Henderson, 84 Bruce Drive, Stenhousemuir FK5 4DE ("Landlord")

Tribunal Members :

Joan Devine (Legal Member); Sara Hesp (Ordinary Member)

NOTICE TO: Jane Henderson and Mark Henderson ("the Landlord")

Whereas (1) in terms of its decision dated 22 May 2023, the Tribunal determined that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Housing (Scotland) Act 2006, and in particular that the Landlord has failed to ensure that the Property meets the repairing standard in that the Property is not wind and watertight, the structure and exterior of the Property including drains are not in a reasonable state of repair and proper working order and the installations in the Property for the supply of electricity and space heating are not in a reasonable state of repair and in proper working order; and (2) the Landlord having lodged an Electrical Installation Condition Report dated 30 June 2023 which contained an overall assessment of the electrical installation at the Property of "unsatisfactory".

The Tribunal now requires the Landlord to carry out such works as are necessary for the purpose of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.

In particular the Tribunal requires the Landlord to :

1. Provide a copy of a current Electrical Installation Condition Report ("EICR") from a SELECT, NICEIC OR NAPIT accredited electrician following a full inspection of the electrical installation and apparatus throughout the Property confirming the installation and apparatus is satisfactory, fully functioning, meets current regulatory standards and containing no category C1 or C2 items of disrepair.
2. Provide written confirmation from a SELECT, NICEIC OR NAPIT accredited electrician that one consumer unit in the hall cupboard is fully connected, in proper working order and meets appropriate regulations and that the other is disconnected, has no function and may or should be removed.
3. Repair or replace the electric heater in the living room.
4. Repair or replace the hopper windows to the front of the living room such that both can be opened and closed.
5. Repair or replace the seal around the window in the kitchen so that it is in proper working order.
6. Repair or replace the smaller window in bedroom 1 such that it can be opened to allow ventilation.
7. Clear or repair the drain outside the bathroom such that it is in proper working order.

The Tribunal orders that the works specified in this order must be carried out and completed within the period of 4 weeks 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.

In terms of Section 63 of the Act, 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 are executed by Joan Devine, Legal Member of the Tribunal at Glasgow on 13 December 2023 in the presence of this witness :

J Devine