

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RT/21/1525

Burnbank Cottage, Glensburgh Road, Grangemouth, FK3 8XL ("the Property")

The Parties:-

**Falkirk Council, The Forum, Suite 1, Callendar Business Park, Falkirk, FK1 1XR
("The Third Party")**

**Robert Young Burnbank Cottage, Glensburgh Road, Grangemouth, FK3 8XL
("The former Tenant")**

**Ms Gillian Haggarty residing at 17 Elizabeth Gardens, Stoneyburn, Bathgate,
EH47 8BP ("The Landlord")**

**W & as Bruce, Solicitors, 80 St Margaret Street, Dunfermline, KY12 7PE ('The
Landlord's Representative')**

Tribunal Members:

Jacqui Taylor (Chairman) and Andrew Taylor (Ordinary Member)

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property dated 14th March 2022 which required the Landlord to:-

ONE. Exhibit a valid and compliant EICR Certificate.

TWO. Exhibit a valid and compliant Gas Safety Certificate.

THREE. Install:

(i) One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.

(ii) One functioning smoke alarm in every circulation space, such as hallways and landings.

(iii) One heat alarm in every kitchen and

All alarms should be interlinked and the installation should comply with the regulations.

FOUR. Install carbon monoxide alarms in compliance with the regulations.

The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 29th April 2022.

2. The Landlord's Representative sent the Tribunal the following documents by email dated 26th February 2024.

2.1 Gas Safety Certificate dated 26th February 2024 confirming that the gas boiler and hob were in a satisfactory condition.

2.2 EICR Certificate dated 16th February 2024 confirming that the electrical installation in the Property is in an unsatisfactory condition.

2.3 An invoice from Alan S Dickson Electrical Contractors Ltd dated 20th February 2024 for installation of new wireless smoke, heat and Co detectors. The invoice detailed the supply of three wireless smoke detectors, one wireless heat detector and one CO detector.

3. The Landlord's Representative sent the Tribunal the following documents by email dated 5th March 2024.

3.1 EICR Certificate dated 1st March 2024 confirming that the electrical installation in the Property is in a satisfactory condition.

3.2 An email from ASD Electrical dated 4th March 2024 with attached pictures of the wireless interlinked smoke/ heat detectors and the . The photographs showed that a smoke and heat detector had been installed in the kitchen and smoke detectors had been installed in the living room and the lower and upper halls.

4. The Landlord's Representative sent the Tribunal the following documents by email dated 12th March 2024.

4.1 Photographs showing the heat detector in the kitchen and the CO detector in the utility room next to the boiler.

5. The Tribunal compared the photographs with the photographs contained within Slater Hogg and Howison's sales particulars for the Property to satisfy themselves as to the location of the installations.

6. As the Property is currently vacant the Tribunal were satisfied to proceed to determine if the RSEO had been complied with without carrying out an inspection of the Property.

7. Decision

The Tribunal are satisfied that requirements of the RSEO have been satisfactorily completed and determined to certify that the terms of the RSEO have been completed.

8. The decision of the Tribunal was unanimous.

9. Appeals

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.

Signed.....
Chairperson

.....Date 12th March 2024