

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**STATEMENT OF DECISION TO VARY A REPAIRING STANDARD  
ENFORCEMENT ORDER: Housing (Scotland) Act 2006 Section 25(1)**

**Chamber Ref: FTS/HPC/RT/23/1321**

**79 McLaren Terrace, Carronshore, Falkirk FK2 8EQ  
("The Property")**

**The Parties:-**

**Falkirk Council, Private Sector team, Suite 1, The Forum, Callendar  
Business Park, Falkirk FK1 5XR  
("the Third Party Applicant")**

**Mr Steven Thicot, 79 McLaren Terrace, Carronshore Falkirk FK2 8EQ  
("the Tenant")**

**Mr Kenneth McBride, 40B Russell Street, Falkirk FK2 7HS  
("the Landlord")**

**Tribunal Members  
Graham Harding (Legal Member)  
Nick Allan (Ordinary Member)**

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') decided to vary the Repairing Standard Enforcement Order ("RSEO") dated 11 October 2023 ("the order") by extending the period for compliance with the order until 15 April 2024.**

### **Background**

- 1. The tribunal issued a RSEO on 11 October 2023 and carried out a reinspection of the property on 12 March 2024. The Tenant, Mr Steven Thicot and the Landlord, Mr Kenneth McBride attended the reinspection.**
- 2. Following the reinspection a hearing was held by teleconference and was attended by Mrs Marie Ferrie on behalf of the Third Party and the Landlord was also in attendance.**

3. Mr McBride explained that he had previously been working away from home and had returned home as his father had been very ill and had died in December. He said he had contacted an electrician about three weeks ago and had been told that providing earth cable to the light switches was quite a big job but could be done in the next week or two. The landlord said it was also his intention to attend to the C3 issues raised in the EICR previously provided to the Tribunal. In the circumstances the Landlord requested a short extension of time to provide the EICR.
4. For the Third Party, Mrs Ferrie said she had no objection to a continuation to allow the work to be done and the EICR produced as her main concern was that the property was safe.

### **Reasons for Decision**

The order that was granted required the Landlord to provide a current Electrical Installation Condition Report in respect of the property from a SELECT, NICEIC or NAPIT accredited electrician that contains no Category C1 or C2 items of disrepair.

The Landlord has advised the Tribunal that the necessary work to allow a clear EICR to be produced can be done within the next few weeks.

The Tribunal considers that in the circumstances it is reasonable in terms of Section 25(1) of the Act to vary the order to give the Landlord time to provide the EICR. The Tribunal will then consider what further steps to take.

### **Decision**

The Tribunal, considering the terms of Section 25(1) of the Act, determined that the order should be varied by extending the period for compliance with the order until 15 April 2024

### **Right of Appeal**

1. **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**

- 2. 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.**

G Harding

Signed  Graham Harding

Date 24 March 2024

Chairperson