



**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**

**Chamber Ref: FTS/HPC/RT/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)**

**DECISION**

The Tribunal determined that the Landlord has failed to comply with the Repairing Standard Enforcement Order dated 13 December 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**

1. The Tribunal issued a Decision dated 23 May 2023 requiring the Landlord to comply with a Repairing Standard Enforcement Order relative to the Property issued by the Tribunal on the same date. A re-inspection was fixed for 19 September 2023. In advance of the re-inspection the Landlord contacted the Tribunal and advised he had been unable to gain access to the Property to carry out the necessary works. The re-inspection was cancelled. The Tribunal issued a direction and fixed a hearing to take place on 13 December 2023. The outcome of the hearing was that the Tribunal determined to vary the Repairing Standard Enforcement Order and to issue a direction providing the Landlord with a final opportunity to lodge with the Tribunal evidence of compliance with the Repairing Standard Enforcement Order as varied. The Tribunal issued a revised Repairing Standard Enforcement Order dated 13 December 2023 (“RSEO”).

2. The RSEO required 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 ordered that the works specified in the RSEO must be carried out and completed within the period of 4 weeks from the date of service of the RSEO.

3. In response to the direction and the RSEO the Landlord lodged an EICR dated 17 January 2024. A reinspection was fixed for 23 April 2024. The Tribunal attended the Property on that date but was unable to gain access. The Property appeared to be unoccupied. A Hearing was fixed to take place on the afternoon of 23 April 2024. There was no appearance by the third Party, the Tenant or the Landlord.

#### Reasons for Decision

4. 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. The Landlord had complied with part 1 of the RSEO by lodging the EICR dated 17 January 2024. The EICR did not however address part 2 of the RSEO. At the Hearing on 13 December 2023 the Tenant told the Tribunal that

no works had been done in respect of parts 3 and 5 of the RSEO. As regards part 4, the Tenant told the Tribunal that new handles had been provided but not fitted. As regards part 6, the Tenant told the Tribunal that the window had been unlocked but the key had not been left in the Property. As regards part 7, the Tenant told the Tribunal that drainage rods had been provided which she had used. She told the Tribunal that since then the drainage had improved but the drain still overflowed. The Landlord did not lodge with the Tribunal any evidence that parts 2 to 7 of the RSEO had been complied with. The Landlord did not attend the Hearing on 23 April 2024 to make an oral submission.

5. The Tribunal determined not to make a rent relief order in terms of section 27 of the Housing (Scotland) Act 2006 as the Property is unoccupied.

### **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  
23 April 2024**