

# Housing and Property Chamber First-tier Tribunal for Scotland

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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006  
Section 24**

**Chamber Ref: FTS/HPC/RT/23/4307**

**Title Number: STG52922**

**Re: The Cross, Airth, Falkirk FKN 8JN  
("the House")**

**The Parties:**

**Falkirk Council Private Sector Team, The Forum (Suite 2) Callendar Business  
Park, Falkirk, FK1 1XR  
(the "Third Party Applicant")**

**Mr. Allan McGonigal, 13 East Drive, Larbert, FK5 3EL ("the Landlord")**

**Tribunal Members:**

**Susan Christie (Legal Member)  
Sara Hesp (Ordinary Member)**

Whereas in terms of their decision dated 17 April 2024, the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("The Act") and in particular, that the Landlord has failed to ensure that: -

- (i) The installations in the house for the supply of water, gas, and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.

The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular, the Tribunal requires the Landlord to submit to the Tribunal: -

1. A current, valid, and certified electrical installation condition report (“EICR”) for the House from a suitably qualified SELECT, NAPIT OR NICEIC accredited electrician, which contains no C1 or C2 items of disrepair.
2. A current, valid, and certified Gas Safety Certificate for the House from a Gas Safe Registered Engineer addressing the working order, condition of and safety of any gas installation and gas appliances in the House. This should address whether there is a carbon monoxide alarm in the House which gives warning if carbon monoxide is present in a concentration that is hazardous to health.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of eight weeks of 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 Susan Christie, Legal Member of the Tribunal, at Glasgow on 17 April 2024 the presence of the undernoted witness: -

<p>G Christie</p> <p>_____ witness</p> <p>George Christie</p>	<p>S Christie</p> <p>_____ Legal Member</p>
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