

Housing and Property Chamber

First-tier Tribunal for Scotland



Regulation 38 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Reference number: FTS/HPC/RT/23/4345

Re: Property at 4 Canal Street, Camelon, Falkirk, FK1 4QU (“the Property”)

Title Number: STG23494

The Parties:

Falkirk Council, Private Sector Team, Suite 2, The Forum, Callendar Business Park, Falkirk, FK1 1XR (“The applicant”)

Peter Coils, 78 Maggie Woods Loan, Falkirk, FK1 5EH (“The respondent”)

Jamie-Lee Dickson, 4 Canal Street, Camelon, Falkirk, FK1 4QU (“the third party”)

Tribunal Members:

Paul Doyle (Legal Member)
Sara Hesp (Surveyor Member)

Decision

The Respondent’s Application for permission to appeal against the Tribunal’s decision dated 11 April 2024 is refused.

Reasons for decision

1. By email dated 25 April 2024 the respondent seeks permission to appeal the decision of the First-tier Tribunal for Scotland, Housing and Property Chamber, dated 11 April 2024. The RSEO was served on the respondent on 25 April 2024.

2. The grounds of appeal are:

I wish to appeal this decision. The fire alarms are interlinked. I got them installed when the law came in straight away. The alarm in hallway is not part of the interlinked alarms. It was there before i installed interlinked alarms and i left it as i thought its always good to have more alarms. I can easily remove it. As for the carbon monoxide alarm i have that tested every year by whoever does boiler service and not once have i been advised to move it. Happy to move it to wherever you suggest. As for the EICR

report i got this done by a qualified electrician via a recommended website and it cost me over £100. He had an issue with his app to download the report so had to write it by hand. Thats why it is handwritten. Why cant this be accepted. I cant afford to keep paying money out as i believe they are up to legal requirement.

3. An appeal can only competently be made on a point of law. The respondent's application for permission to appeal does not identify an error of law.

4. At paragraph 11 of the tribunal's decision and statement of reasons, the tribunal made detailed findings in fact. At paragraph 12 the tribunal provided reasons for reaching their decision.

5. At paragraph 12(e) the tribunal explains that

There is now a requirement for

- one smoke alarm installed in the room most frequently used for general daytime living purposes (normally the living room/lounge);
- one smoke alarm in every circulation space, such as hallways and landings;
- one heat alarm installed in every kitchen;
- all smoke and heat alarms to be ceiling mounted; and
- all smoke and heat alarms to be interlinked.

6. In his application for permission to appeal, the respondent concedes that the interlinking of smoke alarms does not extend to the hallway. His concession reinforces, rather than challenges, the tribunal's findings.

7. The appellant's electrician has certain qualifications, but he is not a SELECT, NICEIC or NAPIT registered contractor.

8. The respondent does not raise any specific challenge to the tribunal's findings in fact nor to the tribunal's reasons for their decision. The respondent says he wants to appeal but does not specify any relevant grounds of appeal.

9. The application for permission to appeal does not identify an arguable error of law. The application is simply a disagreement with the facts as the tribunal found them to be, and an attempt to relitigate this appeal.

10. The First-tier Tribunal took correct guidance in law and made evidence-based findings of fact before reaching conclusions well within the range of available reasonable conclusions. The grounds of appeal do not identify an arguable error of law. Permission to appeal is refused.

Decision

Permission to appeal is refused in terms of reg38(3) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the First-tier Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Permission to appeal must be sought by application to the Upper Tribunal within 30 days of the date this decision is sent to the parties.

Signed ^{P Doyle}
Legal Member

1 May 2024