

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

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

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)

Whereas in terms of their decision dated 11 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:-

- (a) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair nor are they in proper working order in terms of Section 13(1)(c) of the 2006 Act;

And

- (b) The house meets the tolerable standard, in terms of Section 13(1)(h) of the 2006 Act.

The tribunal now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the house concerned 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

(a) Install interlinked smoke and heat detectors, and carbon monoxide detectors within the property, ensuring that they are fully functional and located and powered in accordance with the Scottish Government's Guidance relating to the Tolerable Standard on satisfactory fire detection and satisfactory carbon monoxide detection.

(b) Instruct a suitably qualified SELECT, NICEIC or NAPIT registered electrician to carry out a certified electrical inspection of the entire electrical installation in the property (and any electrical appliances and equipment supplied by the landlord) and carry out all necessary remedial works to rectify any identified C1 and C2 categorised areas, and certify that the smoke heat and CO detectors installed in the property comply with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

(c) Thereafter to provide the First-tier Tribunal for Scotland (HPC) with a satisfactory EICR prepared by a suitably qualified SELECT, NICEIC or NAPIT registered contractor.

The tribunal order that the works specified in this Order must be carried out and completed within the period of 35 days from the date of service of this Notice.

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.

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 Paul Doyle, legal member of the tribunal, 20 York St, Glasgow G2 8GT, at Edinburgh on 11 April 2024 before Emma Doyle. 20 York St. Glasgow G2 8GT

E Doyle

P Doyle

witness

chairperson