

Housing and Property Chamber
First-tier Tribunal for Scotland



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

**DECISION OF THE TRIBUNAL
UNDER SECTION 26
OF THE HOUSING (SCOTLAND) ACT 2006**

**RE: All and Whole the dwelling house known as 38 Fortingall Crescent,
Polmont, Falkirk FK2 0QD registered in the Land Register under title no
STG21435**

The Parties:

**Falkirk Council, The Forum, Callendar Business Park, Falkirk FK1 1XR
("the Third Party")**

**Zafar Chaudhry, 33/5 Grierson Crescent, Edinburgh EH5 2AY ("the
Landlord")**

Reference number: FTS/HPC/RT/22/3276

Tribunal Members:

**John McHugh, Chairperson
Mike Links, Ordinary (Surveyor) Member**

DECISION

The Tribunal, having carried out a further inspection of the House, determined that the work required by the Repairing Standard Enforcement Order dated 27 April 2023 ("the RSEO") had not been completed.

The decision of the Tribunal was unanimous.

Background

The RSEO required the Landlord to complete the following work within 31 days of service of the RSEO:

1 To provide a Landlords' Gas Safety Certificate which confirms that the installations within the House are in safe working order.

2 To provide an Electrical Installation Condition Report (EICR) report by a SELECT, NICEIC or NAPIT qualified electrician which confirms that the electrical installations within the House are in satisfactory condition with no category C1 or C2 items.

3 To install smoke and heat detectors fitted which are interlinked and functioning correctly as required by the *Scottish Government Guidance for Private Landlords on Satisfactory Provision for Detecting and Warning of Fires*.

4 To carry out decorative remedial works after completing any repairs.

Reasons for the Decision

On 28 August 2023, the Tribunal carried out a re-inspection of the House.

Access to the inside of the House was not made available. From looking through the windows, it was observed that smoke detectors had not been fitted. No certificates have been provided by the Landlord.

The Landlord has not responded to the Tribunal's re-inspection report and had not engaged with the process at all until 13 September 2023 when he sent an email to the Tribunal in which he indicated that the House had been sold although he offered no detail of the date of the sale nor any evidence of same.

The RSEO has not been complied with.

Right of Appeal

Section 64 of the Act provides a right of appeal to a party aggrieved by the decision of the Tribunal 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 McHugh

John McHugh
Chairperson

Date: 15 September 2023

