

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/24/0545

Re: Property at 15 King Street, Falkirk, FK2 9AL (“the Property”)

Title Number: STG12224

The Parties:

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

**Ms Yvonne Baird, residing at 3 The Steadings, Milnquarter Farm, Roman Road,
Bonnybridge, FK4 2FJ (“the Landlord”)**

Interested Party:

**Mrs Andrea Stamate, residing at 15 King Street, Falkirk, FK2 9AL (“the
Tenant”)**

Tribunal Members:

Paul Doyle (Legal Member)

Sara Hesp (Surveyor Member)

Whereas in terms of their decision dated 24 June 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:-

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;

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) 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.
- (b) 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 30 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 25 June 2024 before M — Doyle, 20 York St, Glasgow G2 8GT

M Doyle

P Doyle