

# **Housing and Property Chamber First-tier Tribunal for Scotland**

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

**STATEMENT OF DECISION: Housing (Scotland) Act 2006**

**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 (Ordinary Surveyor Member)**

**Unanimous Decision of the Tribunal**

The First-tier tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 11 April 2024 has been completed. Accordingly, the said Repairing Standard Enforcement Order is discharged.

## **Background**

(1) On 11 April 2024 the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) issued a decision requiring the Landlord to comply with the repairing standard enforcement order (“RSEO”) made by the tribunal the same day.

(2) The Repairing Standard Enforcement Order (“RSEO”) required 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 Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

(b) Instruct a suitably qualified SELECT, NICEIC or NAPIT registered electrician to carry out a certified Electrical Installation Condition Report (EICR) 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.

All within 35 days of service of the RSEO.

## **Compliance**

(3) By email dated 05/05/2024 the respondent sent to the tribunal

(a) A satisfactory Fire Detection and Fire Alarm System Installation Certificate dated 03/05/2024 confirming that interlinked smoke and heat detectors and carbon monoxide detectors, which are fully functional and located and powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019, have been installed.

(b) A satisfactory EICR by an NICEIC registered contractor dated 03/05/2024.

(4) The tribunal is now satisfied that the work required by the RSEO have been completed.

### **Decision**

(5) The tribunal therefore decided to issue a certificate of completion of works in terms of s.60 of the Housing (Scotland) Act 2006.

### **Right of Appeal**

(6) In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

(7) 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.

P Doyle

Signed .....  
Legal Member

14 May 2024