

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**

Chamber Ref: FTS/HPC/RP/RT/24/0043

**Re: 13 Blackmount Terrace, Falkirk, FK2 0NN registered in the name of the
Landlord in the Land Register on 29 May 2022 under Title Number STG40352
("the Property")**

The Parties: -

Mr C McDade and Ms A Morrison, residing at the Property ("the Tenants")

**Falkirk Council, Private Sector Team, Callendar Business Park, Falkirk, FK1
1XR ("the Third Party Applicant")**

and

**Mr Mark Cassidy, 99 Thomson Drive, Redding, Falkirk, FK2 9GN ("the
Landlord")**

The Tribunal

Mr Maurice O'Carroll (Legal Member and Chair)

Mr Nick Allan (Ordinary Member) (Surveyor)

Whereas in terms of their decision dated 8 August 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 gas and electricity are in a reasonable state of repair and in proper working order as evidenced by a valid Gas Safety Certificate and valid Electrical Installation Condition Report (section 13(1)(c) of the Act);

The Tribunal now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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) Provide a valid and up to date Gas Safety Certificate and Electrical Installation Condition Report conform to Scottish Government Statutory Guidance as required by the Tribunal Direction dated 10 January 2024.

The Tribunal orders that the works specified in this Order must be carried out and completed by **6 September 2024**.

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 two pages are executed by Maurice O'Carroll, Legal Member of the Tribunal, at Edinburgh on August 2024 before this witness:-

M O'Carroll

Parliament House

Edinburgh EH1 1RF