

Housing and Property Chamber First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order: Housing (Scotland) Act 2006 Section 24 (2)
Chamber Ref: **FTS/HPC/RT/24/0472**

Property : 7 Cobblebrae Crescent, Falkirk FK2 7QW (Registered under title number STG48934) ("Property")

Parties:

Falkirk Council, Suite 2, The Forum, Callendar Business Park, Falkirk FK1 1XR ("Third Party Applicant")

Yasmin Akhtar, 7 Cobblebrae Crescent, Falkirk FK2 7QW ("Tenant")

Khan Homes Scotland Ltd, 33 Abercairney Crescent, Maddiston FK2 0NT ("Landlord")

Tribunal Members :

Joan Devine (Legal Member); Sara Hesp (Ordinary Member)

NOTICE TO: Khan Homes Scotland Ltd ("the Landlord")

Whereas in terms of its decision dated 22 August 2023, the Tribunal determined that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Housing (Scotland) Act 2006, and in particular that the Landlord has failed to ensure that the Property meets the repairing standard in that an appropriate EICR has not been provided evidencing that the installations in the Property for the supply of electricity and space heating are in a reasonable state of repair and in proper working order; the Property does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and the Property does not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

The Tribunal now requires the Landlord to carry out such work as are necessary for the purpose 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 before the date specified in this order.

In particular the Tribunal requires the Landlord to :

1. Install a smoke detector in the living room and hallway of the Property, position a carbon monoxide monitor in accordance with Scottish Government requirements, fit a heat detector in the kitchen, and ensure all alarms are interlinked.
2. Provide to the Tribunal a current Electrical Installation Condition Report from a **SELECT, NICEIC or NAPIT registered electrician following a full inspection of the electrical installation and apparatus throughout the Property confirming the**

- installation and apparatus is satisfactory, is fully functioning, meets current regulatory standards and containing no category C1 or C2 items of disrepair.
3. Provide to the Tribunal a current Gas Safety Certificate for the Property prepared by a Gas Safe Engineer.
 4. Provide to the Tribunal a current PAT test certificate addressing the state of repair of all appliances provided by the Landlord in the Property. The PAT test certificate should be prepared by a suitably qualified tester and should show the working order of each appliance and whether the condition is satisfactory. Evidence of the date of installation of the carbon monoxide detector and the smoke and heat detection, such as copy invoices showing the date of installation.

The Tribunal orders that the works specified in this order must be carried out and completed within the period of 28 days from the date of service of this notice.

A landlord, tenant or third party applicant 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.

In terms of Section 63 of the Act, 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 Joan Devine, Legal Member of the Tribunal at Glasgow on 29 August 2024 in the presence of this witness :

J Devine

C Tracey

Legal Member

Witness Signature

Christopher Tracey

Name

Glasgow Tribunal Centre

20 York Street

Glasgow G2 8JT

Address