



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Section 25 of the Housing (Scotland) Act 2006

Reference number: FTS/HPC/RP/23/0641

Property : 28 Rashiehall Road, Slamannan FK1 3HL (Registered under title number STG43263) (“Property”)

Parties:

Falkirk Council, The Forum, Suite 2, The Forum, Callendar Business Park, Falkirk KK1 1XR (“Third Party”)

Joanne Reid-Williams, 28 Rashiehall Road, Slamannan FK1 3HL (“Tenant”)

Jane Henderson and Mark Henderson, 84 Bruce Drive, Stenhousemuir FK5 4DE (“Landlord”)

Thomas Docherty, Solicitors, 3/10 Falkirk Business Hib, 45 Vicar Street, Falkirk FK1 1LL (“Landlord’s Representative”)

Tribunal Members : Joan Devine (Legal Member); Sara Hesp (Ordinary Member)

DECISION

The Tribunal determined to revoke the repairing standard enforcement order relative to the Property dated 13 December 2023. The Tribunal's decision is unanimous.

Background

1. The Tenant applied to the Tribunal for a determination that the Landlord had failed to comply with their duties under Section 14(1) of the Housing (Scotland) Act 2006 (“the Act”).
2. Following an inspection and hearing, the Tribunal determined that the Property did not meet the repairing standard as required by Section 13(1) (a), (b) and (c) of the Act and that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act, and in particular that the Landlord had failed to ensure that the Property met the repairing standard in respect of Section 13(1)(a), (b) and (c) of the Act. The Tribunal therefore made a repairing standard enforcement order (“RSEO”) as required by Section 24(2) of the Act.
3. By emails dated 26 July and 12 August 2024 the Landlord’s Representative told the Tribunal that the works set out in the RSEO had been completed, that the

Tenant had vacated the Property and that the Property was to be sold. The Tribunal sought comment from the Third Party Applicant. By email dated 15 August 2024 the Third Party Applicant stated that it was accepted that the works had been carried out and that the application was withdrawn.

Decision

4. The Tribunal determined that the work required by the RSEO is no longer necessary. The Tribunal therefore revokes the RSEO in terms of Section 25 of the Act.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

J Devine

**Legal Member
22 August 2024**