

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 26

Reference number: FTS/HPC/RT/23/3235

Re: Property at Little Idoch, Turiff, Aberdeenshire (“the Property”)

Title Number: ABN96693

The Parties:

**Aberdeenshire Council, Infrastructure Services (Housing), Gordon House, Blackhall Road, Inverurie, Aberdeenshire, AB51 3WA
 (“The applicant”)**

Mrs Elizabeth Stephen, Burnside of Idoch, Turriff, Aberdeenshire, AB53 8DY (“the Landlord”)

Interested Party:

James and Jemma McDonald, residing at Little Idoch, Turiff, Aberdeenshire, AB53 8DU (“the Tenant”)

Tribunal Members:

Paul Doyle (Legal Member)

Robert Buchan (Surveyor Member)

Unanimous Decision of the Tribunal

The First-tier tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) finds that the landlord has failed to comply with the Repairing Standard Order made on 23 February 2024 and declines to certify that the work required by the Repairing Standard Enforcement Order relative to the Property made on

23 February 2024 has been completed. Accordingly, the said Repairing Standard Enforcement Order remains in place.

Background

(1) On 23 February 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 following an inspection and hearing on 16 February 2024. The tribunal reinspected the property on 10 July 2024.

(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 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, 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 42 days.

Re-inspection

(3) On 10 July 2024 tribunal members reinspected the property. During the inspection, the surveyor member took photographs, which form part of the reinspection report attached to this decision.

(4) The tenants, who are interested parties, were present during the reinspection. Neither the applicant nor the Landlord attended.

(5) Following the inspection, the surveyor member’s inspection report (dated 11 July 2024) was circulated to the parties. No representations were made in response.

(6) On reinspection, tribunal members found

Works carried out

The Landlord has undertaken the following work since the inspection and hearing:-

A smoke detector has been fitted in the kitchen and a carbon monoxide detector has been fitted in the hall.

Outstanding works

There is no heat detector in the kitchen nor is there or a carbon monoxide detector in the same room as the central heating boiler (the kitchen).

No certification has been provided to demonstrate that the electrical installation in the property has been inspected as required.

(7) The landlord must complete the following works before a certificate of completion can be issued

(a) A heat detector and carbon monoxide detector must be installed in the kitchen. The landlord must then provide certification that the interlinked smoke and heat detectors, and carbon monoxide detectors within the property 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 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, 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) Provide the First-tier Tribunal for Scotland (HPC) with a satisfactory EICR prepared by a suitably qualified SELECT, NICEIC or NAPIT registered contractor.

(8) Tribunal members understand that the tenancy has now come to an end. No purpose will be served in making a rent restriction order.

DECISION

(9) It is obvious to tribunal members that the works required by the RSEO have not been completed. The tribunal therefore refuse to issue a certificate of completion of works in terms of s. 60 of the Housing (Scotland) Act 2006 because the landlord has failed to comply with the RSEO made on 23 February 2024.

Right of Appeal

(10) 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.

(11) 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.

Signed *Paul Doyle*
Legal Member

1 August 2024

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) Housing (Scotland) Act 2006 Property Re-inspection Report



Property address: Little Idoch, Turiff, Aberdeenshire, AB53 8DU

Chamber Reference Number: FTS/HPC/RT/23/3235

Date of re-inspection: 10th July 2024

Tribunal member (Surveyor): R Buchan, FRICS

Circumstances of inspection: It was raining following a period of relatively cold, wet weather. The tenant was in occupation and a full inspection was provided.

In attendance: The tenants, Mr and Mrs McDonald together with the legal member of the Tribunal, Mr P Doyle.

Repairing Standard Enforcement Order (RSEO)

An RSEO was served on the Landlord, Mrs Elizabeth Stephen, following an inspection and hearing of the Tribunal on the 16th February 2024.

The Landlord was required to carry out the following work under the terms of the RSEO:

(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 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, 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.

Works carried out

The Landlord has undertaken the following work since the inspection and hearing:-

A smoke detector has been fitted in the kitchen and a carbon monoxide detector has been fitted in the hall.

Outstanding works


There is no heat detector in the kitchen nor is there or a carbon monoxide detector in the same room as the central heating boiler (the kitchen).

No certification has been provided to demonstrate that the electrical installation in the property has been inspected as required.

Additional note

Photographs were taken and are attached to this report.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

A handwritten signature in black ink on a light grey background. The signature consists of the letters 'RBO' in a cursive, stylized font. The 'R' is formed by a single continuous stroke that loops back to the top. The 'B' is formed by two loops, and the 'O' is a simple oval. A horizontal line extends from the bottom of the 'O' to the right.

R Buchan, FRICS
11th July 2024

Photographs attached to the re-inspection report

Little Idoch, Turiff, Aberdeenshire, AB53 8DU Ref: FTS/HPC/RT/23/3235



Smoke detector in the kitchen



Electrical consumer unit

Photographs attached to the re-inspection report

Little Idoch, Turiff, Aberdeenshire, AB53 8DU Ref: FTS/HPC/RT/23/3235



Smoke detector in the Living-room



Carbon monoxide detector in the hall