

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 Reference: FTS/HPC/RT/23/3741

Re: Property at 1 Newtown Street, Bo'ness EH51 9HN (“the Property”)

Title Reference: WLN28676

The Parties:

Muhammad Safdar, 1 Curlew Brae, Livingston EH54 6UG (“the Landlord”)

**Falkirk Council, Private Sector Team, Suite 2, The Forum, Callendar Business
Park, FK1 5XR (“the Third Party”)**

Whereas in terms of their decision dated 2 October 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 water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order**
- **the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire**
- **the house has 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 is necessary for the purposes of ensuring that the House concerned 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: -

1. Instruct a suitably qualified and SELECT, NAPIT or NICEIC registered electrician (i) to carry out a full inspection of the electrical installation throughout the house, the purpose of which inspection is to ensure that the electrical installations are safe and fit for purpose (ii) to repair, replace or renew any parts which require to be repaired, replaced or renewed, including the defective double socket in the kitchen to ensure that the installation is fully functioning and meets current regulatory standards and (iii) thereafter to issue a complete and compliant electrical installation condition report ("EICR") in accordance with Scottish Government statutory guidance on electrical installations and appliances in private rented property and exhibit the EICR to the Tribunal. This should include testing and certification of any portable electrical appliances provided by the Landlord.
2. Produce evidence or certification to demonstrate that the smoke and heat detectors in the property are fixed to the ceiling and interlinked. The evidence should also demonstrate that alarms are located in the livingroom, hallway and kitchen in the property in compliance with Scottish government regulations on heat and smoke alarms.
3. Produce evidence or certification to demonstrate that a carbon monoxide detector has been installed within the property in compliance with Scottish government regulations on carbon monoxide detectors.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of six weeks 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(s) are executed by Mary-Claire Kelly, legal member of the Tribunal, at Edinburgh on 10 October 2024 in the presence of the undernoted witness: -

Norman Ferguson

Mary-Claire Kelly

witness

Legal Member

Norman Ferguson _____ (name)