



**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Chamber Ref: FTS/HPC/RT/24/3038

Re: 13 Manse Place Falkirk, FK1 1JN ("the House")

**The Parties: Falkirk Council Private Sector Team, Suite 1, the Forum Callendar
Business Park, Falkirk FK1 5XR ("the Applicant")**

Mr Derek Turner, Ms Pauline Turner ("the Landlord" and "the Respondent")

Ms Gwen Paterson 13 Manse Place Falkirk FK1 1JN ("the Tenant")

**Tribunal Members: Jan Todd (Legal Member) and Nick Allan Chartered
Surveyor (Ordinary Member) (the Tribunal)**

Whereas in terms of its decision dated 31st 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") the Tribunal now makes a repairing standard enforcement order necessary for the purposes of ensuring that the Property meets the repairing standard in terms of Section 13 of the said Act and that any damage caused by the carrying out of any work in terms of this Order is made good.

The Tribunal determined to make a repairing standard enforcement order (RSEO) in the following terms:-

The landlord is required to:-

1. Repair or replace the extractor fan in the bathroom to ensure it operates correctly when switched on.
2. To repair the bathroom sink to ensure it works fully by ensuring the water drains away when the plug is in the open position.
3. Provide an up to date electrical inspection condition report on the house by a competent electrician on the working order and condition of the installation in the house for the supply of electricity and the report should also address the state of repair and working order of the electrical fittings and appliances provided by the Respondent in the house (PAT test certificate). The provisions relating to competent electricians are contained in the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property.
4. The Respondent is required to provide an up to date Gas Safety Certificate for the House from a Gas Safe Registered Engineer addressing the working order, condition and safety of any gas installation and gas appliances in the House; and the certificate should also address whether there is a carbon monoxide alarm which complies with the statutory guidance within the House.

The Tribunal determined that the RSEO requires to be complied with within 6 weeks of the date of service.

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.

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 typewritten on this and the two preceding pages are executed by Jan Audrey Todd legal member of the First Tier Tribunal for Scotland at East Kilbride on 31st October 2024 before Robert Holmes,

J A Todd

R Holmes

WITNESS