

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber Ref: FTS/HPC/RT/24/0873

2, Ivybank Court, Polmont, Falkirk, FK2 0GH registered in the Land Register of Scotland under title number STG24725("the Property")

The Parties:-

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

Brendan McKeever ("The Tenant")

June Meikle residing at 8 Drumside terrace, Bo'ness, EH51 9QX ("The Landlord")

Stuart Meikle ('The Landlord's Representative')

Tribunal Members:

Jacqui Taylor (Chairman) and Sara Hesp (Ordinary Member)

NOTICE TO the Landlord

Whereas in terms of their decision dated 12th November 2024 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 and in particular the Landlord has failed to ensure that the installations in the Property for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and proper working order.

The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes 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.

In particular the Tribunal requires the Landlord to:

1. Exhibit a valid and compliant EICR Certificate.
2. Exhibit a valid and compliant Portable Appliances Test Report..
3. Repair or replace the smoke alarm in the living room to render it in proper working order and interlinked in compliance with the statutory guidance.
4. Install the carbon monoxide detector in a position such that it complies with the Regulations.

The Tribunal orders that these works must be carried out and completed by 15th December 2024.

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 and landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy agreement 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 preceding page are subscribed at Hamilton on 13th November 2024 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Shannon Graham, Bothwell House, Hamilton. J Taylor

Signed.....

Chairperson

S Graham

.....witness