

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Statement of Decision of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 26 of the
Housing (Scotland) Act 2006**

Chamber Ref: FTS/HPC/RT/24/1590

**Re: 42 Comely Place, Falkirk, FK1 1QG ("the
Property")**

The Parties:-

**Falkirk Council Private Sector Team ("the Third Party
Applicant")**

**Mr Ryszard Wegrzyn, Mr James MacIntosh, Mr Josef
MacIntosh ("the Landlord")**

The Tribunal

**Ms Yvonne McKenna (Legal Member and Chair)
Ms Sara Hesp (Ordinary Member and Surveyor)**

DECISION

**The Tribunal determined that the Landlord has failed to comply with the
Repairing Standard Enforcement Order dated 6 September 2024 ("RSEO")
within the period of time set out in the RSEO. Notice of the failure will be
served on the local authority. The Tribunal's decision is unanimous.**

Background

1. The Tribunal issued a decision dated 6 September 2024, requiring the Landlord to comply with the RSEO relative to the Property, issued by the Tribunal on the same date.
2. The RSEO required the Landlord:
 - (a) to ensure that the Carbon Monoxide detector in the gas boiler room is properly sited in accordance with Scottish Government guidance;

(b) to provide a current, up to date electrical inspection condition report (EICR) on the Property by a suitably competent electrician on the working order and condition of the installation in the Property for the supply of electricity containing no category C1 or C2 items of disrepair,. The provisions relating to competent electricians are contained in the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property.

(c) to provide a valid and up to date Gas Safety Certificate for the Property from a Gas Safe Registered Engineer addressing the working order, condition and safety of any gas installation and gas appliances in the house;

(d) to provide evidence of interlinked fire detection devices and a heat alarm in the Property sited in accordance with Scottish Government guidance.

3. The Tribunal ordered that the works specified in the order must be carried out and completed by 6 November 2024.

Re-inspection and Hearing

4. A re-inspection of the Property was carried out on **15 November 2024** at 10am by the Tribunal and was followed by a teleconference Hearing at 2pm of even date.

5. The Landlord Mr Ryszard Wegrzyn was present at the re-inspection. The Property was vacant .The Landlord advised that the tenant had left, and it was his intention, along with the other proprietors, to market the Property for sale.

6. The Tribunal reviewed the works listed in the RSEO, and noted that none of the items had been completed.

7. The Landlord attended the teleconference Hearing. Mr Craig Beatt, Falkirk Council, appeared for the Applicant. The Landlord accepted that none of the works had been carried out, and that no documentation had been submitted to the Tribunal.

8. Mr Beatt said that the Applicant would not intend to withdraw the Application unless and until the Property was up for sale, and the local authority were sure it was not being let out again.

Reasons for Decision

9. The Tribunal unanimously determined that the Landlord has failed to comply with the RSEO within the period of time for completion of the works set out in the RSEO.

10. The Landlord in fact accepted the position.

11. As there is no tenant in situ, there is no requirement for a Rent Relief Order.

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.

Y McKenna

Signed Yvonne McKenna. Date: 15 November 2024
Legal Member of the Tribunal

Housing and Property Chamber First-tier Tribunal for Scotland



42 Comely Place, Falkirk FK1 1QG

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Schedule of photographs

All photographs were taken on 15 November 2024 unless otherwise stated.



Photograph 1: Front elevation (taken on 6 September 2024)

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Photograph 2: Gas boiler – in room off kitchen



Photograph 3: Carbon monoxide detector on boiler room windowsill



Photograph 4: General view of kitchen – no heat detector to ceiling



Photograph 5: Living room - carbon monoxide detector on fireplace



Photograph 6: Living room – no working smoke detector



Photograph 7: Bedroom 1 – no working smoke detector



Photograph 8: Bedroom 2 – no working smoke detector



Photograph 9: Bedroom 3 – no working smoke detector

