

Housing and Property Chamber

First-tier Tribunal for Scotland



Certificate of Completion

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 60 of the Housing (Scotland) Act 2006**

Chamber Ref: FTS/HPC/RT/22/1390

The Property: 41 Mariner Road, Camelon, FK1 4JR (“The Property”)

Land Register of Scotland Title Number: STG56545

The Parties:

**Falkirk Council, Private Sector Housing, The Forum, Callendar Business Park,
FK1 1SR (“the Third-Party Applicant”); and**

Mr Andrew Aylwin, 41 Mariner Road, Camelon, FK1 4JR (“the Tenant”); and

**Mr Calum Watt, 128 Henderland Road, Bearsden, Glasgow, G61 1JA (“the
Landlord”)**

Tribunal Members:

G McWilliams- Legal Member

S. Hesp - Ordinary Member

CERTIFICATE OF COMPLETION

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the
tribunal’) hereby certifies that the work required by the Repairing Standard
Enforcement Order (“RSEO”) relative to the Property, dated 9th May 2023, has
been completed. Accordingly, the RSEO relative to the house has been
discharged.**

**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.

In witness whereof these presents typewritten on this and the preceding page are executed by Gerry McWilliams, Legal Member of the Tribunal, at Glasgow on the 13th day of February Two Thousand and Twenty Five in the presence of the undernoted witness:

G McWilliams

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision in terms of Section 25(1) (b) of the Housing (Scotland) Act 2006: (the 2006 Act)

Chamber Ref: FTS/HPC/RT/22/1390

The Property: 41 Mariner Road, Camelon, FK1 4JR (“The Property”)

Land Register of Scotland Title Number: STG56545

The Parties:

Falkirk Council, Private Sector Housing, The Forum, Callendar Business Park, FK1 1SR (“the Third-Party Applicant”); and

Mr Andrew Aylwin, 41 Mariner Road, Camelon, FK1 4JR (“the Tenant”); and

Mr Calum Watt, 128 Henderland Road, Bearsden, Glasgow, G61 1JA (“the Landlord”)

Tribunal Members:

G McWilliams- Legal Member

S. Hesp - Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines that the Repairing Standard Enforcement Order (“RSEO”) in respect of the Property, dated 9th May 2023, should be revoked in terms of Section 25 (1) (b) of the 2006 Act and that this is with effect from the date of this Decision.

Background

1. A RSEO dated 9th May 2023 had been made in the following terms:

- a) **The Landlord is to carry out such actions and works, and to provide appropriate documentation, to ensure that the Property complies with the Repairing Standard. Specifically the Landlord has to:-**
- i) **Instruct a suitably qualified SELECT, NAPIT or NICEIC registered electrician to carry out a certified electrical inspection and testing of the entire electrical installation of the Property and exhibit a satisfactory EICR, containing no Category C1 or C2 terms of disrepair, and satisfactory Portable Appliance Testing (“PAT”) Certificate to the Tribunal; and**
 - ii) **Instruct a suitably qualified Gas Safe engineer to inspect all the gas appliances in the Property and provide the Tribunal with a satisfactory, complete Gas Safety Certificate.**
- b) **In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, and the remedial actions and works which require to be carried out, the Tribunal determines that the RSEO requires to be complied with by 30th June 2023.**
2. The Tribunal allowed further time for the Landlord to provide satisfactory EICR, PAT and Gas Safety Certificate. All of the documents, in satisfactory terms, have now been received by the Tribunal. The Third-Party Applicant is content with the terms of the documents.

Outcome

3. In the circumstances the Tribunal has decided that the RSEO in respect of the Property, dated 9th May 2023, should be revoked in terms of Section 25 (1) (b) of the 2006 Act and that this is with effect from the date of this Decision.

Appeal

4. 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.

G McWilliams

G McWilliams Tribunal Legal Member 13th February 2025