

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006**

**Chamber Reference number: FTS/HPC/RT/24/4125**

**Re: Property at 11 Manse Place, Falkirk FK1 1JN (“the Property”)**

**Title No: STG61167**

**The Parties:**

**Falkirk Council, Private Sector Team, The Forum, Suite 2, Callander Business Park, Falkirk FK1 1XR (“the Third-Party Applicants”)**

**Mr Derek Turner and Mrs Pauline Turner, both residing at 63 Old Redding Road, Laurieston, Falkirk FK2 9JU (“the Landlord”)**

**Mr Callum Paterson, 11 Manse Place, Falkirk FK1 1JN (“the Tenant”)**

**Tribunal Members: George Clark, Legal Member  
Robert Buchan, Ordinary (Surveyor) Member**

Whereas in terms of their decision dated 9 January 2025, 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 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:

1. to exhibit to the Tribunal a current Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT registered electrician in respect of the property, containing no Category C1 or C2 items of disrepair. The EICR should cover the safety of the consumer unit. If the Landlord has provided any portable electric goods, any necessary PAT certificate should also be provided.
2. to exhibit to the Tribunal a satisfactory current Gas Safety Certificate from a suitably qualified Gas Safe engineer in respect of the gas installation, the central heating boiler and the gas hob.
3. to carry out such works as are necessary to restore the window of the sleeping area to a reasonable state of repair, so that it is in proper working order and watertight.

4. to instruct a suitably qualified roofing contractor to investigate the source of water staining on the ceiling of the sleeping area and to take such steps as may be necessary to remedy the defect and, thereafter, to make good and redecorate the ceiling, and
5. to install interlinked smoke alarms and a heat detector, together with, in the area of the gas boiler, a carbon monoxide monitor, and to carry out such works as are required to ensure that the provision of smoke detectors and heat detectors within the Property complies with the Fire Protection in Rented Properties Guidance published by the Scottish Government on 7 February 2019, effective 1 March 2019 and available on the Scottish Government website. Photographs of the roof and copies of the invoices detailing the work undertaken should be provided to the Tribunal.

The Tribunal orders that the Reports, Certificates, photographs and copy invoices should be exhibited and the necessary repair works completed within three months of the date of service of this Order on the Landlord.

### **Right of Appeal**

**In terms of section 46 of the Tribunals (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.**

**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 subscribed by George Barrie Clark, Legal member/Chair of the Tribunal at Lasswade on 9 January 2025 before this witness, Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian.

**G Clark** Legal Member/Chair      **V Clark** Witness