

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60

Chamber Ref: FTS/HPC/RP/RT/24/0043

Re: 13 Blackmount Terrace, Falkirk, FK2 0NN registered in the name of the Landlord in the Land Register on 29 May 2022 under Title Number STG40352 (“the Property”)

The Parties: -

Mr C McDade and Ms A Morrison, residing at the Property (“the Tenants”)

Falkirk Council, Private Sector Team, Callendar Business Park, Falkirk, FK1 1XR (“the Third Party Applicant”)

and

Mr Mark Cassidy, 99 Thomson Drive, Redding, Falkirk, FK2 9GN (“the Landlord”)

The Tribunal

Mr Maurice O’Carroll (Legal Member and Chair)
Mr Nick Allan (Ordinary Member) (Surveyor)

Background

1. On 6 August 2024, the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) inspected the Property. By decision dated 8 August 2024, it determined that the landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“The Act”) and in particular that the landlord had failed to provide an up-to-date EICR and Gas Safety Certificate as required by section 13(1) of the Act.
2. A Repairing Standard Enforcement Order (RSEO) was therefore signed on 12 August 2024, issued to the parties and recorded in the Land Register.
3. The works required further to the RSEO were as noted below. The Landlord was required to:-

- (a) Provide a valid and up to date Gas Safety Certificate and Electrical Installation Condition Report conform to Scottish Government Statutory Guidance as required by the Tribunal Direction dated 10 January 2024.
4. The Tribunal further required that the works specified in the RSEO were to be carried out and completed by 6 September 2024.

Subsequent events

5. On 23 January 2025, the Landlord provided the Tribunal with an EICR relative to the Property. On 8 February 2025, the Landlord provided the Tribunal with an up to date GSC relative to the Property, together with the credentials of the gas engineer who completed it.

Decision of the Tribunal

6. In light of the documentary evidence received, the Tribunal determined that the RSEO had been complied with in full.
7. The Tribunal therefore decided to issue a Certificate of Compliance in terms of section 60 of the Act and to cause the same to be registered in the Land Register.
8. No further action on the part of the Landlord is required further to the RSEO.

Right of Appeal

- 11. A landlord or tenant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.**

M O'Carroll

Signed

Date: 11 February 2025

Legal Member and Chair