

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Completion of Work under Section 60 of the Housing (Scotland) Act 2006 as amended (“the Act”)

Chamber Reference: FTS/HPC/RT/23/3741

Property at 1 Newtown Street, Bo’ness EH51 9HN (“the Property”)

Title Reference: WLN28676

The Parties:

Muhammad Safdar, 1 Curlew Brae, Livingston EH54 6UG (“the Landlord”)

Falkirk Council, Private Sector Team, Suite 2, The Forum, Callendar Business Park, FK1 5XR (“the Third Party”)

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 served on 29 October 2024 has been completed. Accordingly, the said RSEO relative to the property 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 type written on this and the preceding page(s) are executed by Mary-Claire Kelly, legal member of the Tribunal, at Edinburgh on the 6 March 2025 in the presence of the undernoted witness:-

M C Kelly

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26(1) of the Housing (Scotland) Act 2006 ("the Act")

Chamber Reference: FTS/HPC/RT/23/3741

Property at 1 Newtown Street, Bo'ness EH51 9HN ("the Property")

Title Reference: WLN28676

The Parties:

Muhammad Safdar, 1 Curlew Brae, Livingston EH54 6UG ("the Landlord")

Falkirk Council, Private Sector Team, Suite 2, The Forum, Callendar Business Park, FK1 5XR ("the Third Party")

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having made such enquiries as are fit for the purposes of determining whether the landlord complied with the Repairing Standard Enforcement Order dated 10 October 2024 determined that the landlord has complied with the said Repairing Standard Enforcement Order and that a Certificate of Completion should be issued in accordance with section 60(5) of the Housing (Scotland) Act 2006.

The decision was unanimous.

The Tribunal consisted of: -

Mary-Claire Kelly, Chairing and Legal Member

Sara Hesp, Ordinary Member (surveyor)

1. Reference is made to the decision of the Tribunal dated 2 October 2024 which determined that the landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 as the property did not meet the Repairing Standard. The Tribunal therefore made a Repairing Standard Enforcement Order (RSEO). The works required by the RSEO were:-

- i. Instruct a suitably qualified and SELECT, NAPIT or NICEIC registered electrician (i) to carry out a full inspection of the electrical installation throughout the house, the purpose of which inspection is to ensure that the electrical installations are safe and fit for purpose (ii) to repair, replace or renew any parts which require to be repaired, replaced or renewed, including the defective double socket in the kitchen to ensure that the installation is fully functioning and meets current regulatory standards and (iii) thereafter to issue a complete and compliant electrical installation condition report ("EICR") in accordance with Scottish Government statutory guidance on electrical installations and appliances in private rented property and exhibit the EICR to the Tribunal. This should include testing and certification of any portable electrical appliances provided by the Landlord.*
- ii. Produce evidence or certification to demonstrate that the smoke and heat detectors in the property are fixed to the ceiling and interlinked. The evidence should also demonstrate that alarms are located in the livingroom, hallway and kitchen in the property in compliance with Scottish government regulations on heat and smoke alarms.*
- iii. Produce evidence or certification to demonstrate that a carbon monoxide detector has been installed within the property in compliance with Scottish government regulations on carbon monoxide detectors.*

The Tribunal ordered that the works specified in the Order must be carried out and completed within the period of six weeks from the date of service of RSEO.

2. Following expiry of the period of notice an inspection was scheduled for 8 March 2025.
3. On 5 February 2025 the landlord submitted an electrical condition installation report dated 13 December 2023. The report had been completed by a SELECT registered engineer and stated that the electrical installations were in good working order.
4. Prior to the inspection the landlord had submitted photographs of heat and smoke detectors within the property together with invoices showing payment for the installation of the detectors. The landlord had also submitted photographic evidence of a carbon monoxide detector within the property. At the inspection heat and smoke detectors were found to be installed in the livingroom, hall and kitchen. The detectors were tested during the inspection and were found to be interlinked. A carbon monoxide detector had been installed in the kitchen where the gas boiler was located. This was tested during the inspection and found to be functioning properly.
5. Photographs taken during the inspection are attached in a schedule to this decision.
6. At the inspection it was noted that the property has been re-let to a new tenant.

Reasons for the decision

6. The Tribunal determined the application having regard to the terms of the application, the written representations and the findings of the Tribunal at the inspection. The Tribunal was satisfied having regard to all of the available evidence that there was sufficient information upon which to reach a fair determination of the application.
7. In terms of section 26 of the Housing (Scotland) Act 2006
The First-tier Tribunal may not decide that a landlord has failed to comply with a repairing standard enforcement order—
 - (a) *unless the period within which the order requires the work to be completed has ended, or*
 - (b) *if the First-tier Tribunal is satisfied, on the submission of the landlord or otherwise—*

(i) that the landlord is unable to comply with the order because of a lack of necessary rights (of access or otherwise) despite having taken reasonable steps for the purposes of acquiring those rights, or

(ii) that the work required by the order is likely to endanger any person.

8. The Tribunal noted that the landlord had provided evidence of compliance with the RSEO in relation to the electrical installation condition report which had been completed by a suitably qualified electrician and showed that the electrical installations were in good working order. Accordingly paragraph 1 of the RSEO had been complied with.
9. The Tribunal was satisfied based on the observations at the inspection and the documents produced by the landlord that heat and smoke detectors which complied with Scottish government regulations had been installed. The detectors were located in the kitchen, hall and livingroom and were interlinked. Accordingly paragraph 2 the RSEO had been complied with.
10. The Tribunal was satisfied based on the inspection that a carbon monoxide alarm which complied with Scottish government regulations had been installed in the property. Accordingly, paragraph 3 of the RSEO had been complied with.

Decision

The tribunal determined that the landlord had complied with the RSEO and proceeded to issue a Certificate of completion.

Right of Appeal

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.

M C Kelly

Chairperson:

Date: 6 March 2025

Housing and Property Chamber

First-tier Tribunal for Scotland

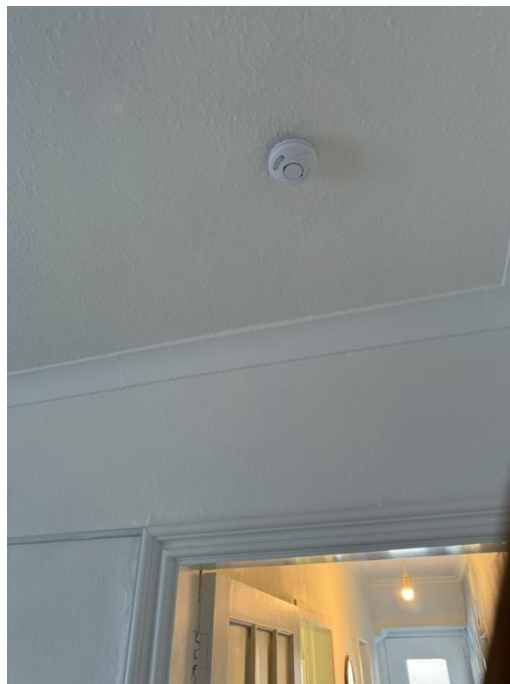


1 Newton Street, Bo'ness, EH51 9HN

FTS/HPC/RT/23/3741

Schedule of photographs

All photographs were taken on 6 March 2025.



Photograph 1: Living room: Smoke detector

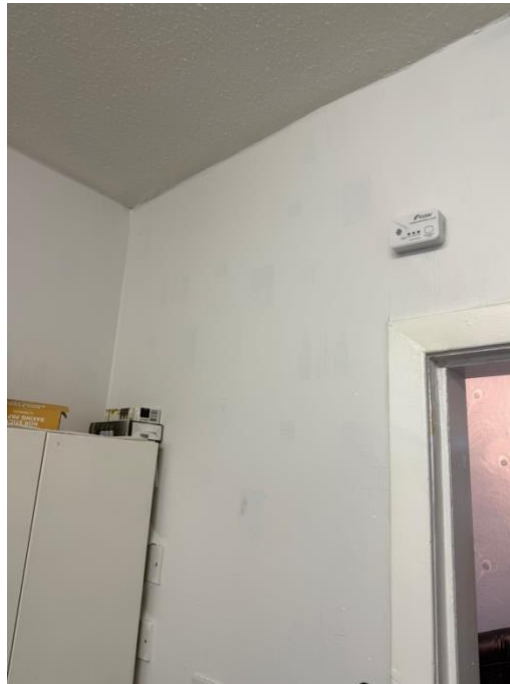
Photograph 2: Hallway: Smoke detector



Photograph 3: Kitchen: smoke and heat detectors (latter is interlinked)



Photograph 4: Kitchen: carbon monoxide detector



Photograph 5: Kitchen: Gas boiler

