

Housing and Property Chamber

First-tier Tribunal for Scotland



STATEMENT OF DECISION UNDER SECTION 25(1)(a) OF THE HOUSING (SCOTLAND) ACT 2006 ("the Act")

Reference number: - FTS/HPC/RT/23/1323

Re: Property at 56 Mungalhead Road, Falkirk FK2 7JG ("the property")

Parties

Falkirk Council ("the Third Party Applicant")

Diamond Administration Limited, being the trade name used for Diamond Administration and Management Limited (SC160711), incorporated under the Companies Acts and having its registered office formerly at 2 Carronvale Road, Larbert FK5 3LZ and now at 5 Muirhead Road, Stenhousemuir, Larbert FK54HZ, whose sole director is Mr Ewan David MacMorran whose correspondence address is 2 Carronvale Road, Larbert FK53LZ per the Register of Companies ("the Landlord")

Background

1. Enquiries with the Register of Companies show that Diamond Administration Limited is being used as a trade name for Diamond Administration and Management Services Limited. Diamond Administration Limited per the Register of Companies is a name of an unrelated dissolved company which was based in Reading in England.
2. Mr Ewan MacMorran, sole director of Diamond Administration and Management Services provided Diamond Administration Limited as the name of the landlord of the property to Landlord Registration Services at Falkirk Council. As a consequence, the landlord registered with the Council for the property is Diamond Administration Limited. No tenancy agreement appears to have been made available to the Council relating to the property.

A handwritten signature, possibly 'AD', in the bottom right corner of the page.

3. The title for the property rests in the name of Diamond Properties Limited and enquiries in the Register of Companies and Land Register disclose that this was the previous name of Diamond Administration and Management Services Limited. The change of name of the company from Diamond Properties Limited to Diamond Administration and Management Services Limited took place on 30 July 1999, which was after the property was purchased by Diamond Properties Limited and the title registered on 6 November 1995.
4. The registered office for Diamond Administration and Management Services Limited changed from 2 Carronvale Road, Larbert FK5 3LZ to 5 Muirhead Road, Stenhousemuir, Larbert FK5 4HZ on 3 October 2023 according to the Register of Companies.
5. The sole director of Diamond Administration and Management Services Limited is Mr Ewan David MacMorran and his correspondence address remains 2 Carronvale Road, Larbert FK5 3LZ according to the Register of Companies.
6. A check of the application papers within the case file confirms that the Council's notification of works required at the property prior to lodging the application with the Tribunal was provided by email to Mr Ewan MacMorran to a contact email address he provided to Landlord Registration Services at Falkirk Council.
7. The Tribunal's intimation of the application, the opportunity to make written representations on the application paperwork, the original property inspection notification with date and time for the inspection and the tribunal decision that the property did not comply with the repairing standard and the requirement for works in the Repairing Standard Enforcement Order (RSEO) was intimated to Mr Ewan MacMorran at 2 Carronvale Road, Larbert FK53LZ before any change to the registered address of Diamond Administration and Management Limited was made in the Register of Companies.
8. The decision that there had been a failure to comply with the RSEO by the Landlord was intimated on Mr Ewan MacMorran by sheriff officer personal service at 5 Muirhead Road, Stenhousemuir, Larbert FK5 4HZ on 3 April 2024. No request for review or appeal of that decision has been received.
9. The Tribunal considers that in order to clarify the name of the landlord a direction should be issued seeking written representations from the parties on whether the foregoing background information stated is accurate and whether there should be a variation to the RSEO to narrate that the respondent is in fact



"Diamond Administration Limited, being the trade name used for Diamond Administration and Management Limited (SC160711), incorporated under the Companies Acts and having its registered office formerly at 2 Carronvale Road, Larbert FK5 3LZ and now at 5 Muirhead Road, Stenhousemuir, Larbert FK54HZ, whose sole director is Mr Ewan David MacMorran whose correspondence address is 2 Carronvale Road, Larbert FK53LZ per the Register of Companies ("the Landlord")."

That direction was issued to parties on 17 March 2025 and parties had until 4 April 2025 to make written representations to the First tier Tribunal Housing and Property Chamber, 20 York Street, Glasgow G2 8GT on the proposed variation. Whilst the Third Party Applicant responded and stated no objection, no response was received from Diamond Administration Limited, Diamond Administration and Management Limited or Mr Ewan David MacMorran.

The said direction relating to the variation was sent by email on 17 March 2025 to the contact address of the landlord provided to landlord registration and by first class post to Mr Ewan David MacMorran at 5 Muirhead Road, Stenhousemuir, Larbert FK5 4HZ and by recorded delivery post to the registered office of Diamond Administration and Management Limited.

10. The legislative provisions for variation are contained in Section 25(1)(a) of the Housing (Scotland) Act 2006 which states

"25 Variation and revocation of repairing standard enforcement orders
(1) Where the First-tier Tribunal has made a repairing standard enforcement order, it may, at any time—
(a) vary the order in such manner as it considers reasonable"

Decision and Reasons

The First-tier Tribunal for Scotland ("the Tribunal"), having received evidence that the name of the landlord is Diamond Administration and Management Limited (SC160711) and Diamond Administration Limited is used as a trade name, varies the Repairing Standard Enforcement Order to show the landlord as .

"Diamond Administration Limited, being the trade name used for Diamond Administration and Management Limited (SC160711), incorporated under the Companies Acts and having its registered office formerly at 2 Carronvale Road, Larbert FK5 3LZ and now at 5 Muirhead Road, Stenhousemuir, Larbert FK54HZ, whose sole director is Mr Ewan David MacMorran whose correspondence address is 2 Carronvale Road, Larbert FK53LZ per the Register of Companies"

This variation is in terms of Section 25(1)(a) of the Act.

A notice of the variation will be issued to Landlord Registration Service of Falkirk Council.

A landlord should be aware of the provisions on Section 28(5) of the Act which states that

"A landlord commits an offence if the landlord enters into a tenancy or occupancy arrangement in relation to a house at any time during which a repairing standard enforcement order has effect in relation to the house."

APPEAL PROVISIONS

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.

Signed on this and the three preceding pages at Glasgow on Sixteenth April, Two thousand and twenty five

A Devanny

Mrs. Aileen Devanny
Chamber President,
First-tier Tribunal for Scotland
Housing and Property Chamber
Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT

Witness **C Tracey**
Name: Christopher Tracey

Address: Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT