

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Statement of Reasons for Variation of Repairing Standard Enforcement Order:
Housing (Scotland) Act 2006 Section 25**

Chamber Ref: FTS/HPC/RP/24/0962

**RE: Property known as 48 Brown Street, Carluke ML8 5DT
("The Property")**

The Parties:-

**Michelle Clark, 48 Brown Street, Carluke ML8 5DY
("the Tenant")**

**Noon Investment Homes Limited (Company number SC330168), 32 Douglas
Street, Carluke ML8 5BJ
("the Landlords")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') following re-inspection of the Property on 8 January 2025 determines that the Repairing Standard Enforcement Order (RSEO) relative to the House served on 3 July 2024 and subsequently varied by variation dated 3 September 2024 and 22 January 2025 should be further varied as follows:

- 1) By deleting paragraph 1 of the RSEO and substituting therefore the following:

"To provide the First-tier Tribunal with a detailed schedule and specification of works to be carried out to the electrical installations within the Property prepared by an independent and appropriately qualified electrician, being a member of NICEIC, SELECT or NAPIT in order to remediate the category C1 and C2 findings in the Electrical Installation Report dated 17 February 2025 prepared at the request of the First-tier Tribunal by Barmac Electrical Contractors Limited, a copy of which is produced with this order. The detailed schedule and specification of works should address the unsatisfactory findings in relation to the appropriate cable size for the shower within the Property, the replacement and relocation of the consumer unit and meter tails within the Property."

- 2) The period allowed for the completion for the provision of the detailed schedule and specification be extended for a period of 28 days from the date of service of this Notice.

Reason for Variation

An independent electrical installation condition report (EICR) dated 17 February 2025 was prepared at the request of the tribunal by Barmac Electrical Contractors Limited. That EICR identified a number of issues with the general safety of the electrical installations within the Property. A copy of the said EICR prepared by Barmac Electrical Contractors Limited is attached to this decision.

The said EICR recorded that the installations were "Unsatisfactory" and identified one category C1 problem (a category C1 being "Danger present. Risk of injury. Immediate remedial action required" and two C2 category problems (C2 being "Potentially dangerous – urgent remedial action required"). Standing the immediate and potential dangers, the tribunal decided to vary the RSEO to allow the Respondent to produce a detailed schedule and specification of works that they intend to carry out to the Property to address these issues. The said schedule and specification to be prepared by an appropriately qualified electrician, being a member of NICEIC, SELECT or NAPIT and provided to the tribunal for consideration and approval before any works are to be instructed. There were additional category C3 recommended improvements, which while recommended, do not form part of the varied RSEO issued along with this decision.

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.

R Cowan

..... 17 April 2025.....

Chairperson