

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006, Section 24**

**Chamber Ref: FTS/HPC/RT/24/1178**

**Land Register Title Number: ABN749**

**Property at 82 College Bounds, Fraserburgh, AB43 9QS  
("the Property")**

#### **The Parties:-**

**Aberdeenshire Council, Gordon House, Blackhall Road, Inverurie, Aberdeenshire, AB51 3WA  
("the Third Party")**

**Mrs Gladys Stewart, 82 College Bounds, Fraserburgh, AB43 9QS ("the Tenant")**

**SJA Property Group, 7 Albert Street, Aberdeen AB25 1XX  
("the Landlord")**

Whereas in terms of their decision dated 21 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") and in particular that the Landlord has failed to ensure that:-

- (a) The installations in the house for the supply of water, gas and, electricity and (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order; and
- (b) The house meets the tolerable standard,

the tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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:-

- (i) To engage a suitably qualified and registered SELECT or NICEIC electrical contractor or suitably skilled electrician to carry out a condition check on the electrical installations of the Property and thereafter to undertake all works required to ensure

that the entire system is safe and in proper working order and thereafter to prepare an electrical installation condition report (EICR).

- (ii) On completion of the works referred to in 6(i) above to provide to the tribunal a copy of the (EICR) which describes the system overall as satisfactory with no items marked as Category 1 or Category 2.
- (iii) To provide to the tribunal a statement from the suitably qualified electrical contractor or electrician describing the provision of smoke, heat and carbon monoxide detection within the property and that confirming that it complies with the Scottish Government's Guidance relating to the Tolerable Standard on satisfactory fire detection and satisfactory carbon monoxide detection.

The tribunal orders that the works specified in this Order must be carried out within the period of 28 days from the date of service of this Notice.

**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.

**Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house.**

**This is in terms of Section 28(5) of the Act.**

In witness whereof these presents type written on this and the two preceding pages are executed by Miss Gillian Buchanan, Solicitor, 3rd Floor, Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT, Legal Member of the tribunal at Dundee on 30 January 2025 before this witness:-

# G Buchanan