

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Reasons: Housing (Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RT/24/3038

Re: Property at 13 Manse Place, Falkirk FK1 1JN ("the Property")

**Parties: Falkirk Council Private Sector Team, Suite 1, the Forum Callendar
Business Park, Falkirk FK1 5XR ("the Applicant")**

Mr Derek Turner, Ms Pauline Turner ("the Landlord" and "the Respondent")

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Nick Allan Surveyor (Ordinary Member)

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 has complied with the Repairing Standard Enforcement Order dated 31 October 2024 determined to extend the period for the landlord to comply with the RSEO until 15 October 2025.

Background

1. By application dated 2nd July 2023 the Third-Party Applicant applied to the Housing and Property Chamber for a determination of whether the landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing Scotland Act 2006 (the Act).

2. The application stated that the Third-Party Applicant considered that the landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the landlords had failed to ensure that:
 - a. The house is wind and watertight and in all other respects reasonably fit for human habitation.
 - b. The installations in the house for the supply of water gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
 - c. The house met the tolerable standard.
3. Specifically, the Applicant complained that: -
 - *The Landlord had failed to provide a current Electrical Installation Condition Report from a SELECT, NICEIC or NAPIT accredited electrician that contained no Category C1 or C2 items of disrepair and that the report must include specific reference to the provision for heat and smoke detection in accordance with Scottish Government statutory guidelines.*
 - *The landlord had failed to provide a current Gas Safety Certificate from a registered Gas Safe Engineer which refers to the provision for carbon monoxide detection.*
 - *The landlord has failed to repair water ingress issues to the property which appear to come from the roof area*
 - *The landlord has not repaired windows which are not watertight*
 - *The landlord has not unblocked drainage issues with the bathroom sink.*
4. By notice of acceptance dated 23rd July 2024 a legal member of the Tribunal accepted the application and the Tribunal served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon the landlord on 9th September 2024.
5. An inspection of the property and hearing took place on 16 October 2024. Following the hearing the Tribunal issued a Repairing Standard Enforcement Order (RSEO) in respect of the application. The RSEO required the landlord to carry out the following works within 6 weeks of the date of service of the RSEO:

- i. *Repair or replace the extractor fan in the bathroom to ensure it operates correctly when switched on.*
 - ii. *To repair the bathroom sink to ensure it works fully by ensuring the water drains away when the plug is in the open position.*
 - iii. *Provide an up to date electrical inspection condition report on the house by a competent electrician on the working order and condition of the installation in the house for the supply of electricity and the report should also address the state of repair and working order of the electrical fittings and appliances provided by the Respondent in the house (PAT test certificate). The provisions relating to competent electricians are contained in the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property.*
 - iv. *The Respondent is required to provide an up to date Gas Safety Certificate for the House from a Gas Safe Registered Engineer addressing the working order, condition and safety of any gas installation and gas appliances in the House; and the certificate should also address whether there is a carbon monoxide alarm which complies with the statutory guidance within the House.*
6. The Third-Party had advised the Tribunal that the tenant would be moving out of the property on 16 October 2024.

Reinspection

7. A re-inspection took place on 23 May 2025. The reinspection took place at 10am. The landlord Mr Turner was in attendance. No other parties were present.
8. At the inspection it was clear that the tenant had vacated the property. The Tribunal observed that that significant renovation works had commenced in the property. Reference is made to the schedule of photographs which is attached to this decision and is referred to for its terms. As shown in the photographs, the kitchen in the property has been replaced. Works to replace the bathroom have commenced.
9. The Tribunal noted that work was underway to replace the boiler and to upgrade the plumbing and electrical systems.

10. Mr Turner advised during the inspection that it was his intention to complete a full renovation of the property by the end of September 2025. He confirmed that after the building works were completed it was his intention to market the property for sale. He confirmed that the property had not been rented out since the previous tenant had moved out on in October 2024.

Reasons for decision

11. Based on the observations at the re-inspection the Tribunal was satisfied that the RSEO had not been complied with. However, it was clear that there were significant renovation works underway in the property. The Tribunal accepted that the intention of the landlords was to complete the renovations. The Tribunal accepted that the landlord's intention was that work to comply with the RSEO would be carried out as part of those renovation works.
12. The Tribunal considered it reasonable to extend the period for the landlord to comply with the RSEO until 15 October 2025.
13. The Tribunal requests that the landlord submits photographic evidence of the completed bathroom showing the sink and extractor fan and other documentary evidence including an updated gas safety certificate and EICR when the building works have been completed in order that a decision may be taken in relation to the completion of the works in the RSEO.

Decision

The tribunal determined to extend the period for the landlord to comply with the RSEO to 15 October 2025.

Mary-Claire Kelly

Chairperson:

Date: 23 June 2025