

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 60 of the Housing (Scotland) Act 2006 ("the 2006 Act")

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 Former Tenant")

Brimstone Group Limited, a Company incorporated under the Companies Acts, (Company Number 15149469), and having its Registered Office at 2 Cloisters, Stanford-le-Hope, SS17 7EG
("the Landlord")

Tribunal Members:

Gillian Buchanan (Chair) and Angus Anderson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"), with reference to the Repairing Standard Enforcement Order ("RSEO") dated 30 January 2025 and having considered the outcome of the Tribunal's subsequent further enquiries in this regard, the Tribunal determined that a Certificate of Completion of Works should be issued in terms of Section 60(4) of the 2006 Act.

Background

1. Reference is made to the determination of the tribunal dated 30 January 2025 which determined that the then landlord, SJA Property Group, 7 Albert Street, Aberdeen AB25 1XX ("the Former Landlord"), namely had failed to comply with the duty imposed by Section

14(1)(b) of the Act in that it they had failed to ensure that the Property met the repairing standard. The works required by the RSEO were: -

- (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 (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.
2. The tribunal ordered that the works specified in the RSEO must be carried out within the period of 28 days from the date of service thereof.
 3. At a Hearing on 14 May 2025 the tribunal determined that further time should be allowed for the Landlord to produce the required documentation and the Hearing was adjourned for that purpose. The parties were also advised that provided the required documentation was produced in acceptable terms the adjourned hearing may not be required and a Certificate of Completion would be issued administratively.
 4. By email dated 9 June 2025 Mr Greenhill of the Landlord produced a photograph of the carbon monoxide detector fitted to the ceiling above the boiler together with the following documents:-
 - i. "Select Fire Detection and Fire Alarm Systems (Domestic Premises) Certificate for Design, Installation & Commissioning of Grade C, D & F Systems" prepared by Dennis Gordon Electrical Limited and dated 9 June 2025; and
 - ii. "Select Electrical Installation Condition Report" prepared by Dennis Gordon Electrical Limited and dated 26 May 2025.
 5. Dennis Gordon Electrical Limited is registered with an accredited registration scheme operated by a recognised body being the SELECT (Electrical Contractors' Association of Scotland).

Reasons for Decision

6. In terms of Section 26(1) of the Act it is for the tribunal to decide whether a landlord has complied with an RSEO.
7. The tribunal considered whether the Landlord has complied with the RSEO having regard to the documentation now produced as described above all of which is acceptable terms and shows compliance with the Repairing Standard.
8. The tribunal determined that the Landlord has complied with the RSEO.

Decision

9. The Tribunal therefore determined to issue a Certificate of Completion.

10. The decision of the tribunal was unanimous.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

G Buchanan



Legal Member

25 June 2025

Date