

Housing and Property Chamber

First-tier Tribunal for Scotland



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

REPAIRING STANDARD ENFORCEMENT ORDER: Housing (Scotland) Act 2006, Section 24(2)

Chamber Ref: FTS/HPC/RP/25/0746

Property at 54 High Street, Falkirk, FK1 1DD (Title Number STG26878) (the Property)

The Parties:-

Falkirk Council Private Sector Team, Suite 2, The Forum, Callendar Business Park, FK1 1XR (the Third Party Applicant)

Ms Carrie Ann Welsh and Mr Derek Thomson, 27 Greenvale Drive, Brightons, Falkirk (the Respondents)

NOTICE TO MS CARRIE ANN WELSH AND MR DEREK THOMSON (THE RESPONDENTS / LANDLORDS)

WHEREAS in terms of its decision dated 1 September 2025 the tribunal determined that the Respondents have failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 and in particular that the Respondents have failed to ensure that the Property meets the repairing standard in the following respects:

‘(c) the installations in the house for the supply of ... electricity (including residual current devices) ... are in a reasonable state of repair and in property working order. ...; and

*(h) the house meets the tolerable standard. ...[including]
‘It has an interlinked system of fire and smoke alarms...’.*

the tribunal now requires the Respondents 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 Respondents to:

1. Instruct and exhibit to the tribunal a current satisfactory Electrical Installation Condition Report (EICR) in respect of the Property, carried out by a suitably competent electrician, who is a registered member of NICEIC / SELECT / NAPIT, showing that the installations in the house for the supply of electricity, including residual current devices are in a reasonable state of repair and proper working order; containing no Category C1 or C2 items of disrepair and no FI categorisations. There should be no limitations on the scope of the Report unless properly explained and it is expected to cover the full electrical installation within the Property. The EICR should include testing and certification of the portable electrical appliances provided by the Respondents.
2. Carry out such works as are required, including repair, or replacement as necessary, to ensure that the interlinked system of fire and smoke alarms in the Property complies with current Scottish Government guidance in respect of this element of the Tolerable Standard, in particular that there is a smoke alarm in the room most frequently used for general daytime living purposes; and the installed system is otherwise interlinked, operational and compliant; having regard to Scottish Government '*Guidance relating to the Tolerable Standard on satisfactory fire detection and satisfactory carbon monoxide detection*', Published 20 June 2023, Local Government and Housing Directorate, ISBN, 9781805259893.

The tribunal orders that the works specified in this Order must be carried out and completed by 1 October 2025.

Right of Appeal

A party 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.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with an 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 Ms. Susanne L M Tanner, K.C., Legal Member and chair of the tribunal

____ S. Tanner _____ Legal Member / Chair