

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 24(1)

Reference number: FTS/HPC/RT/24/2210

Title No: STG15700

Re: Property at 41 Comely Place, Falkirk, FK1 1QG (“the Property”)

The Parties:

Falkirk Council, Private Sector Team, Suite 2, The Forum, Callendar Business Park, Falkirk, FK1 1XR (“The applicant”)

Mr Rysard Wegrzyn, residing at Flat 7 Margret Allen House, 32 Broomy Hill, Hereford, HR4 0LH (“the Landlord”)

Jozef MacIntosh, residing at 41 Comely Place, Falkirk, FK1 1QG (“The Tenant”)

Tribunal Members:

Paul Doyle (Legal Member)

Sara Hesp (Ordinary Surveyor Member)

1. On 20 February 2025 the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) issued a decision requiring the Landlord to comply with the repairing standard enforcement order (“RSEO”) made by the tribunal that day.

2. The RSEO required the landlord to

(a) Install interlinked smoke and heat detectors, and carbon monoxide detectors within the property, ensuring that they are fully functional and located and powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

(b) Instruct a suitably qualified SELECT, NICEIC or NAPIT registered electrician to carry out a certified Electrical Installation Condition Report (EICR) of the entire electrical installation in the property (and any electrical appliances and equipment supplied by the landlord) and carry out all necessary remedial works to rectify any identified C1 and C2 categorised areas, and certify that the smoke heat and CO detectors installed in the property comply with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

(c) Thereafter to provide the First-tier Tribunal for Scotland (HPC) with a satisfactory EICR and up to date PAT certificate prepared by a suitably qualified SELECT, NICEIC or NAPIT registered contractor.

(d) Instruct a suitably qualified Gas Safe registered engineer to inspect and carry out all works necessary to leave the gas central heating boiler and gas hob in good working order. Thereafter to provide the First-tier Tribunal for Scotland (HPC) with an up-to-date and satisfactory Gas Safety Record from a suitably qualified and Gas Safe registered heating engineer on the safety of the gas central heating system and all other gas appliances in the property.

All within 35 days of service of the RSEO

3. A reinspection of the property was scheduled for 5 June 2025. On 25 May 2025 the Landlord sent an EICR dated 01 May 2025 to the tribunal. The author of the EICR is not a suitably qualified SELECT, NICEIC or NAPIT registered contractor.

4 Tribunal members have never been granted access to the property. Because of the procedural history, the reinspection arranged for 5 June 2025 was cancelled, and a telephone conference was arranged for 27 August 2025.

5. A hearing took place by telephone conference at 10.00am on 27 August 2025. The Applicant was represented by Mr C Beatt. The Landlord was neither present nor represented.

6. The Landlord has not engaged with the tribunal process. The Landlord has not engaged with the tribunal process. The EICR provided is not from a suitably qualified SELECT, NICEIC or NAPIT registered contractor. Because access has not been provided, the Landlord fails to demonstrate that functioning smoke/heat detectors are in place; nor whether there is a gas supply; nor whether a carbon monoxide detector is needed

7. The only reasonable conclusion the tribunal can come to is that the Landlord has chosen not to carry out the work required by the repairing standard enforcement order dated 20 February 2025. For that reason, the tribunal decided to impose a rent relief order.

8. As the landlord has chosen not to carry out the repairs required, the quality of the

tenant's peaceful enjoyment of the property is adversely affected by the Landlord's decision. The works required are crucial to the tenant's safety. Because there are potentially serious consequences flowing from delay in complying with the RSEO, the tribunal decided that significant restriction of rental is merited.

9. The tribunal therefore granted a Rent Relief Order for 90% of the monthly rental.

Right of Appeal

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.

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.

P Doyle

Legal member of the tribunal
Dated: 27 August 2025