



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 26 (1) of the Housing (Scotland) Act 2006

Chamber Reference number: FTS/HPC/RT/24/4152

Re: Property at 11 Manse Place, Falkirk FK1 1JN (“the Property”)

Title No: STG61167

The Parties:

Falkirk Council, Private Sector Team, The Forum, Suite 2, Callander Business Park, Falkirk FK1 1XR (“the Third-Party Applicants”)

Mr Derek Turner and Mrs Pauline Turner, both residing at 63 Old Redding Road, Laurieston, Falkirk FK2 9JU (“the Landlord”)

Mr Callum Paterson, 11 Manse Place, Falkirk FK1 1JN (“the Tenant”)

**Tribunal Members: George Clark, Legal Member
Robert Buchan, Ordinary (Surveyor) Member**

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber, having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with a Repairing Standard Enforcement Order in respect of the Property made on 9 January 2025, decided that the Landlords have failed to comply with the Order, and that this failure should be reported to Falkirk Council and to Police Scotland. The Tribunal was unable to make a Rent Relief Order.

Background

1. Following an Inspection and Hearing held on 8 January 2025, the Tribunal made a Repairing Standard Enforcement Order (“RSEO”) on 9 January 2025, requiring the Landlord:
 - (i) to exhibit to the Tribunal a current Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT registered electrician in respect of the property, containing no Category C1 or C2 items of disrepair. The

- EICR should cover the safety of the consumer unit. If the Landlord has provided any portable electric goods, any necessary PAT certificate should also be provided.
- (ii) to exhibit to the Tribunal a satisfactory current Gas Safety Certificate from a suitably qualified Gas Safe engineer in respect of the gas installation, the central heating boiler and the gas hob.
 - (iii) to carry out such works as are necessary to restore the window of the sleeping area to a reasonable state of repair, so that it is in proper working order and watertight.
 - (iv) to instruct a suitably qualified roofing contractor to investigate the source of water staining on the ceiling of the sleeping area and to take such steps as may be necessary to remedy the defect and, thereafter, to make good and redecorate the ceiling, and
 - (v) to install interlinked smoke alarms and a heat detector, together with, in the area of the gas boiler, a carbon monoxide monitor, and to carry out such works as are required to ensure that the provision of smoke detectors and heat detectors within the Property complies with the Fire Protection in Rented Properties Guidance published by the Scottish Government on 7 February 2019, effective 1 March 2019 and available on the Scottish Government website. Photographs of the roof and copies of the invoices detailing the work undertaken should be provided to the Tribunal.
2. The Tribunal ordered that the Reports, Certificates, photographs and copy invoices should be exhibited and the necessary repair works completed within three months of the date of service of the Order on the Landlords.
 3. On 14 August 2025, the Third-party Applicants advised the Tribunal that they would not be attending the reinspection and that the Tenant moved out of the Property some time ago.
 4. The Tribunal Members arrived to reinspect the Property on the morning of 3 September 2025, due notice having been given to the Landlords, but were unable to gain entry. There was no answer to repeated pressing of the door entry buzzer and attempts by Tribunal staff to contact the Landlords by telephone were unsuccessful.

Reasons for Decision

5. Having been unable to reinspect the Property, the Tribunal could not determine whether the works required by the RSEO have been carried out, but the Landlord has failed to provide the Tribunal with the EICR, Gas Safety Certificate, photographs, documents or copy invoices required by the RSEO and has, therefore, failed to comply with the RSEO.
6. Section 28 of the 2006 Act provides that “A landlord who, without reasonable excuse, fails to comply with a repairing standard enforcement order commits an offence”. Accordingly, the Tribunal decided that the failure to comply should be reported to Police Scotland for possible prosecution.

7. The Tribunal was unable to make a Rent Relief Order (“RRO”) under Section 27 of the 2016 Act, as the Third-party Applicants had advised that the Tenant has vacated the Property.
8. The Tribunal’s Decision was unanimous.

Right of Appeal

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.

G Clark

Legal Member

3 September 2025
Date