

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision: Section 60 (5) (b) of the Housing (Scotland) Act 2006 (“the 2006 Act”)

Chamber Ref: FTS/HPC/RT/25/3121

121 William Street, Dalbeattie, DG5 4EE, being the subjects registered in the Land Register of Scotland under Title Number KRK2636 (“the Property”)

The Parties:-

Dumfries and Galloway Council Housing Standards, Militia House, Dumfries, DG1 2HR (“the Third Party Applicant”)

Ms Teresa Maxwell, Comet House, The Green, Stapleton, Darlington, DL2 2QQ (“the Respondent” and “the Landlord”)

Mr Alisdair Stewart, 121 William Street, Dalbeattie, DG5 4EE (“the Tenant”)

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Mr Donald Wooley, Chartered Surveyor (Ordinary Member) (“the tribunal”)

Decision

The tribunal determined that the work required by a repairing standard order (RSEO), which was dated 25 September 2025 and was in terms of Section 24 (2) of the 2006 Act, has been complied with.

Background

1. By application dated 18 July 2025, the Third Party Applicant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 as amended (“the 2006 Act”). The application is in terms of Section 22 (1A) of the 2006 Act.

2. The Tenant and the Respondent are parties to a short assured tenancy agreement dated 23 March 2001.

Property Inspection and RSEO

3. The members of the tribunal inspected the Property on 19 September 2025. Ms Lafferty of Dumfries and Galloway Council, the Landlord and the Tenant were in attendance.
4. A hearing was held on 19 September 2025.
5. The tribunal determined that the Property did not meet the repairing standard. No Electrical Installation Condition Report (EICR) was available. In relation to smoke and heat detection, no interlinked system was in place.
6. The tribunal determined to make a RSEO in the following terms:
 - 6.1 **The Landlord is required to produce a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to confirm that the installation is “satisfactory,” has appropriate RCD protection wholly compliant with the repairing standard and has no recommendations in the C1 or 2 category or F1 items for further investigation.**
 - 6.2 **The Landlord is required to install an interlinked system of smoke and heat detectors to comply with Scottish Government Regulations.**

The Landlord requires to comply with the RSEO by 30 November 2025.

7. The Landlord submitted an EICR dated 3 November 2025 which had been prepared by Paul Wilson Electrical, an approved electrical contractor. The certificate stated that inspection of sockets was limited because of the number of boxes within the Property which restricted access. The EICR stated that the installation was satisfactory and has appropriate RCD protection. The EICR contained no recommendations in the C1, C2 or F1 categories.
8. The EICR stated: *“Wireless smoke detectors fitted in correct places and 10 year life which complying to Scotland law.”*

Decision

9. The tribunal determined that the RSEO had been complied with and it formed that view based on the EICR which had been submitted by the Landlord. The tribunal determined that a certificate be issued in terms of Section 60 (5)(b) of the 2006 Act.

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.

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.

M J McAllister

Martin J. McAllister,
Legal Member
16 November 2025