



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/25/1967

Re: Property at 123 Merchiston Avenue, Falkirk FK2 7JX (“the Property”)

Title No: STG17480

The Parties:

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

Lisa Marr and L Buchanan, the Testamentary Trustees of the late George Lawrence, 118 Dick Crescent, Burntisland, Fife KY3 0BT (“the Landlords”)

Mr Joseph Sawkins, 123 Merchiston Avenue, Falkirk FK2 7JX (“the Tenant”)

**Tribunal Members: George Clark (Legal Member/Chair)
Sara Hesp (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 the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 determined that the Landlords have failed to comply with that duty. The Tribunal made a Repairing Standard Enforcement Order in respect of the Property.

Background

1. By application, dated 7 May 2025, the Third-Party Applicants applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland (“the Tribunal”) for a determination of whether the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”).

2. The application stated that the Landlords had failed to comply with a Notification of Repair letter issued on 7 April 2025 requiring them to provide copies of a current Electrical Installation Condition Report and a Gas Safety Certificate, and confirmation that the Property has interlinked smoke and heat detectors and a carbon monoxide detector. There had been a leak of water from the Property into the flat beneath and the Third-Party Applicants, who also own the flat beneath, had not been able to gain access to confirm that the necessary repair works have been carried out. The Landlords had provided a partial copy of a Gas Safety Certificate, but it was incomplete and was not legible.

The Inspection

3. The Tribunal inspected the Property on the morning of 26 November 2025 and were admitted by the Tenant. The Third-Party Applicants were not present or represented. The Landlords were not present or represented.
4. A Schedule of Photographs, taken at the inspection, is appended to and forms part of this Statement of Decision.

The Hearing

5. Following the Inspection, a Hearing was held at STEP, John Player Building, Stirling. Neither of the Parties was present or represented. The Tenant was also not present. The Tribunal determined the application in absence of both Parties.

Findings of Fact

- The Property is an upper storey flat in a block of four former local authority houses.
- The Tribunal has not seen a current Electrical Installation Condition Report ("EICR") in respect of the Property.
- The Tribunal has not seen a current Gas Safety Certificate in respect of the Property.
- There are smoke alarms in the hall and living room and a heat detector in the kitchen, but they are either not interlinked, or the interlinking function is not operating.
- There is a carbon monoxide monitor in the kitchen.
- The Tenant confirmed at the inspection that repairs have been carried out to repair a leak of water from the bathroom. The bath has been re-sealed and affected floor timbers and joists replaced.

Reasons for Decision

6. The Tribunal requires to be satisfied with a current EICR in respect of the Property.
7. The Tribunal requires to be satisfied with a current Gas Safety Certificate in respect of the Property.
8. The Property requires to be satisfied that the smoke alarms and heat detector are interlinked and in proper working order.
9. The Property fails to meet the Repairing Standard at least in relation to the smoke alarms and heat detectors.

Decision

10. Having considered carefully all the evidence before it, the Tribunal made a finding that the Landlords have failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act and decided to make a Repairing Standard Enforcement Order ("RSEO").
11. 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.

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 Clark

Legal Member

26 November 2025
Date

Housing and Property Chamber

First-tier Tribunal for Scotland



123 Merchiston Avenue, Falkirk FK2 7JX

FTS/HPC/RT/25/1967

Schedule of photographs taken on 26 November 2025



Photograph 1: Kitchen: Gas Boiler

Photograph 2: Kitchen: landlord's carbon monoxide detector



Photograph 3: Kitchen: tenant's carbon monoxide detector



Photograph 4: Kitchen: smoke detector



Photograph 5: Hallway: smoke detector



Photograph 6: Living room: smoke detector



Photograph 7: Bathroom: bath with new sealant



Photograph 8: Bathroom: bath with new sealant



Photograph 9: Bathroom: new flooring

