

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Chamber Ref: FTS/HPC/RP/25/0265

Title Number: FFFE98367

**Re: 5 Southfield, Fife, Falkland, KY15 7AS
("the House")**

**Mr. Andrew Maxwell, 12 Liquorstane, Cupar, Falkland KY15 7DQ
("the landlord")**

Tribunal Members:

Susan Christie (Legal Member)

Sara Hesp (Ordinary/Surveyor Member)

Whereas in terms of their decision dated 18 March 2026, the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") and in particular, that the Landlord has failed to ensure that: -

- a) The installations in the house for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system heating water are in a reasonable state of repair and in proper working order, in terms of Section 13(1) (c) of the 2006 Act
- b) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order. in terms of Section 13(1) (d) of the 2006 Act.
- c) The house meets the tolerable standard. This includes the following: [...] adequate carbon monoxide alarms, in terms of Section 13(1) (h) of the 2006 Act.

The tribunal now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the House 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 Landlord to: -

1. Repair or replace the seal on the oven in the kitchen of the House so that it is secure and is in a reasonable state of repair and in proper working order.
2. Repair or replace the oven light and/or bulb so that it and is in a reasonable state of repair and in proper working order.
3. Instruct a suitably qualified SELECT, NICEIC or NAPIT registered electrician to carry out a certified electrical inspection of the entire electrical installation of the House and all electrical appliances and equipment supplied by the landlord and carry out all necessary works to rectify any identified C1 and C2 categorised areas. Thereafter provide the First-tier Tribunal for Scotland (Housing and Property Chamber) with a current satisfactory Electrical Installation Condition Report (EICR), and a Portable Appliance Testing (PAT) Certificate, prepared by a suitably qualified SELECT, NICEIC or NAPIT registered electrician
4. Install an adequate carbon monoxide detector in the kitchen of the House near to the gas boiler in compliance with current Scottish Government Guidance.

The Tribunal orders that the works specified in Part 4 of this Order must be carried out and completed within the period of four weeks of the date of service of this Notice.

The Tribunal orders that the works specified in Parts 1 to 3 of this Order must be carried out and completed within the period of eight weeks of the date of service of this Notice.

A landlord, tenant or third-party applicant 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.

In terms of Section 63 of the Act, 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.

In witness whereof these presents type written on this and the two preceding pages are executed by Susan Christie, Legal Member of the Tribunal, at Glasgow on 18 March 2026 the presence of the undenoted witness: -

S Christie