

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Reasons: Housing (Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RT/24/3038

Re: Property at 13 Manse Place, Falkirk FK1 1JN (“the Property”)

**Parties: Falkirk Council Private Sector Team, Suite 1, the Forum Callendar
Business Park, Falkirk FK1 5XR (“the Applicant”)**

Mr Derek Turner, Ms Pauline Turner (“the Landlord” and “the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Nick Allan Surveyor (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having made such enquiries as are fit for the purposes of determining whether the landlord has complied with the Repairing Standard Enforcement Order dated 31 October 2024 determined to extend the period for the landlord to comply with the RSEO until 30 September 2026.

Background

1. By application dated 2 July 2023 the Third-Party Applicant applied to the Housing and Property Chamber for a determination of whether the landlord 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 Third-Party Applicant considered that the landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the landlords had failed to ensure that:
 - a. The house is wind and watertight and in all other respects reasonably fit for human habitation.
 - b. The installations in the house for the supply of water gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
 - c. The house met the tolerable standard.
3. Specifically, the Applicant complained that: -
 - *The Landlord had failed to provide a current Electrical Installation Condition Report from a SELECT, NICEIC or NAPIT accredited electrician that contained no Category C1 or C2 items of disrepair and that the report must include specific reference to the provision for heat and smoke detection in accordance with Scottish Government statutory guidelines.*
 - *The landlord had failed to provide a current Gas Safety Certificate from a registered Gas Safe Engineer which refers to the provision for carbon monoxide detection.*
 - *The landlord has failed to repair water ingress issues to the property which appear to come from the roof area*
 - *The landlord has not repaired windows which are not watertight*
 - *The landlord has not unblocked drainage issues with the bathroom sink.*
4. By notice of acceptance dated 23 July 2024 a legal member of the Tribunal accepted the application and the Tribunal served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon the landlord on 9 September 2024.
5. An inspection of the property and hearing took place on 16 October 2024. Following the hearing the Tribunal issued a Repairing Standard Enforcement Order (RSEO) in respect of the application. The RSEO required the landlord to carry out the following works within 6 weeks of the date of service of the RSEO:

- i. Repair or replace the extractor fan in the bathroom to ensure it operates correctly when switched on.*
 - ii. To repair the bathroom sink to ensure it works fully by ensuring the water drains away when the plug is in the open position.*
 - iii. Provide an up to date electrical inspection condition report on the house by a competent electrician on the working order and condition of the installation in the house for the supply of electricity and the report should also address the state of repair and working order of the electrical fittings and appliances provided by the Respondent in the house (PAT test certificate). The provisions relating to competent electricians are contained in the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property.*
 - iv. The Respondent is required to provide an up to date Gas Safety Certificate for the House from a Gas Safe Registered Engineer addressing the working order, condition and safety of any gas installation and gas appliances in the House; and the certificate should also address whether there is a carbon monoxide alarm which complies with the statutory guidance within the House.*
6. The Third-Party had advised the Tribunal that the tenant would be moving out of the property on 16 October 2024.
7. A re-inspection took place on 23 May 2025. The landlord, Mr. Turner was in attendance. No other parties were present. At the inspection it was clear that the tenant had vacated the property. The Tribunal observed that that significant renovation works had commenced in the property. The kitchen in the property had been replaced, works to replace the bathroom had commenced and work was underway to replace the boiler and to upgrade the plumbing and electrical systems.
8. Mr. Turner advised during the inspection that it was his intention to complete a full renovation of the property by the end of September 2025. He stated that after the building works were completed it was his intention to market the property for sale. He confirmed that the property had not been rented out since the previous tenant had moved out on in October 2024.

9. The Tribunal considered it reasonable to extend the period for the landlord to comply with the RSEO until 15 October 2025 and varied the RSEO accordingly.

Re-inspection – 21 May 2026

10. The landlord Mr. Turner was in attendance. The Tribunal inspected each of the items specified in the RSEO. Reference is made to the photographic schedule which accompanies this decision and is held to be incorporated herein.
11. The Tribunal observed that the renovation works that had been observed at the first re-inspection were not fully completed however progress had been made. The Tribunal observed that a new bathroom was in the process of being installed.. A replacement gas boiler, bathroom sink and internal doors were within the property awaiting installation.
12. It was observed that smoke and heat detectors had been installed in the property however at the time of the inspection there was no electrical power pending planned electrical works.
13. It was clear that the property was unoccupied. Mr. Turner stated that his intention remained to sell the property. He stated that there had been broader issues within the building as the property factor had resigned and a committee had been formed to address broader repairs issues.
14. The Tribunal noted that progress had been made albeit at a slow pace. The Tribunal considered that as the property was vacant it was reasonable to extend the period of time for the works to be completed to 30 September 2026.

Decision

The tribunal determined to extend the period for the landlord to comply with the RSEO to 30 September 2026.

M-C Kelly

Date: 16 July 2026