

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**First-tier tribunal for Scotland (Housing and Property Chamber)**

**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 Ref: FTS/HPC/RP/20/0589**

**Re: Property at 24 Saughton Mains Drive, Edinburgh, EH11 3PJ (“the  
Property”)**

**Parties:**

**Mr Sofian Abdeldayem, sometime 24 Saughton Mains Drive, Edinburgh  
EH11 3PJ (“the Tenant”)**

**Mr Awad Senussi, c/o 775 Flat 8, Ferry Road, Edinburgh, EH4 2TE (“the  
Landlord”)**

**Tribunal Members:**

**George Clark (Legal Member/Chair) and Nick Allan (Ordinary/surveyor  
Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
(“the Tribunal”), having considered additional evidence provided by the  
Landlord subsequent to its Decision of 24 January 2022, determined that  
the Landlord has now complied with the duty imposed by Section  
14(1)(b) of the Housing (Scotland) Act 2006 and that it is no longer  
necessary to make a Repairing Standard Enforcement Order.**

**Background**

On 24 January 2022, the Tribunal made decided that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”) and that it would issue a Repairing Standard Enforcement Order, which required the Landlord to exhibit to the Tribunal a current Electrical Installation Condition Report (EICR) from a SELECT,

NICEIC or NAPIT registered electrician, authorised to issue Reports, in respect of the property, containing no Category C1 or C2 items of disrepair.

On 10 February 2022, after the Tribunal's Decision had been issued, but before the RSEO had been registered in the Land Register, the Landlord's agent provided the Tribunal with a copy of a current EICR, dated 26 January 2021, containing no C1 or C2 items of disrepair, together with satisfactory evidence that the company which issued the EICR is registered with NICEIC and is, therefore, authorised to issue EICRs.

The Tribunal considered the documentation provided by the Landlord's agent and was satisfied that it fulfilled the requirements of the proposed RSEO. As the RSEO had not yet been registered in the Land Register, the Tribunal decided to amend its original Decision to the effect that the Tribunal finds that the Landlord has now complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 and that it is no longer necessary to make a Repairing Standard Enforcement Order.

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.**

Signec

Date: 7 March 2022

George Clark (Legal Member/Chairman)