

Housing and Property Chamber First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: in terms of Section 60 of the Housing (Scotland) Act 2006 (“the Act”) in respect of an application under Section 22(1) of the Act

Chamber Ref: FTS/HPC/RT/22/1198

Re: Property at 34 Firs Street, Falkirk, FK2 7AY registered in the Registers of Scotland under Title Number STG64348 (“the Property”)

The Parties:

1. Falkirk Council per its employee, Ms. Kate Smith, Private Sector Officer, Private Sector, The Forum, Callendar Business Park, Falkirk, FK1 1XR as third-party applicant in terms of Section 22(1A) of the Act (“the Third -party Applicant”);
2. Mr. Lukasz Saldat residing at the Property (“the Tenant”) and
3. Mrs. Sadia Ahmed residing at 17 Herries Road, Glasgow, G41 4DE (“the Landlord”) per her agent, Mr. Iqbal Ahmed residing at 26, Inch Wood, Bathgate, EH48 2EF (“the Landlord’s Representative”)

Tribunal Members:

Karen Moore (Chairman) and Sara Hesp (Surveyor and Ordinary Member)

Decision

The Tribunal determined that the Landlord has complied with the Repairing Standard Enforcement Order (RSEO) made by it on 4 August 2022.

This Decision should be read in conjunction with Decision and RSEO both dated 4 August 2022

Background

1. By application received on 27 April 2022 (“the Application”), the Third -party Applicant applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlord had failed to comply with the duty imposed on her by Section 14(1)(b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Section 13(1)(c), Section 13(1)(f), Section 13(1)(g) and Section 13(1)(h) of the Act.

Inspection and Hearing

2. An Inspection of the Property and a Hearing were held on 13 July 2022, the outcome of the Inspection and Hearing was that the Tribunal imposed the RSEO.
3. The Landlord submitted a compliant Electrical Installation Condition Report (“EICR”) in part satisfaction of the RSEO. However, the Tribunal required to be satisfied that there was no gas supply to the Property and that the smoke and heat alarms were in satisfactory order. Accordingly, a further Inspection was arranged for 28 November 2022 at 11.00 am.
4. The further Inspection was carried out and the Tribunal was satisfied that there is no gas supply to the Property and that the smoke and heat alarms are in satisfactory order.

Decision and Reasons for Decision

5. The Tribunal, having found that a satisfactory EICR had been submitted and that there is no need for a gas safety certificate, was satisfied in terms of Section 60(5)(b) that the RSEO had been complied with and so granted a Certificate of Completion.

Appeal

6. 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.

Signed

Karen Moore, Chairperson

13 December 2022

