

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**

Case Reference FTS/HPC/RT/23/1323

Property at 56 Mungalhead Road, Falkirk, FK2 7JG, being subjects registered in the Land Register of Scotland under Title Number STG13493 (“the Property”).

The Parties: -

Falkirk Council, per their employee, Mrs Kate McFarlane, Private Sector Officer, Callander Business Park, Falkirk, FK1 5XR, as third party applicant in terms of section 22(1A) of the Act (“the Third Party Applicant”) and

Diamond Administration Limited, having a place of business at 2 Carronvale Road, Larbert, Stirlingshire, FK53LZ (“The Landlord”), and

Ms Sharleen Graham, residing at 56 Mungalhead Road, Falkirk, FK2 7JG (“The Tenant”)

Whereas in terms of their decision dated 4th August 2023, 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 compliance with the following paragraphs of section 13(1) of the Act:

13(1) c. The installations in the house for the supply of water, gas and electricity and sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;

13(1) f. The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House concerned 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. To instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an EICR to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards.
2. To produce a valid and up to date Gas Safety certificate in respect of the property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the property meets the requirements of those regulations.
3. Instruct a Gas Safe registered engineer to undertake a full inspection of all gas fittings and appliances within the property and to repair and renew any parts which are identified within the report, including the "final check results".
4. To provide evidence showing the installation of smoke detectors, heat detectors and carbon monoxide detectors within the property in compliance with the requirements set out in the guidance issued by the Scottish Government in terms of the Housing (Scotland) Act 2006.

The Tribunal order that the works specified in this Order must be carried out and completed within the period one month from 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 are executed by Andrew Cowan, legal member of the Tribunal, at Glasgow on 4th August 2023 in the presence of the undernoted witness:-

A Cowan

L Robertson

witness

Legal Member

LEE ROBERTSON name in full

C/O TC YOUNG Address

7 WEST GEORGE ST

G12 1BA