

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/RT/22/2222

Property Address: 15 Caledonian Court, Falkirk FK2 7FL (“the property”)(
registered under title STG16487)

The Parties: Kate Smith of the Falkirk Council Private Sector Team
 (“third party applicant”).

Dr. Samantha Bandularatne, 71 Kingfisher Place,
Dunfermline KY11 8JJ (“the landlord”)

The First-tier Tribunal for Scotland (Housing and
Property Chamber (“the tribunal”)

Whereas in terms of their decision dated 7th February 2023 the First-tier tribunal For Scotland (Housing and Property Chamber) (“the tribunal”) determined that Respondent 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 respondent has failed to ensure that the house meets the repairing standard with reference to the following provisions of Section 13 (1)(a) of the act as amended. :-

- a) The house has satisfactory provisions for giving warning if carbon monoxide is present

The Tribunal now requires the landlord to carry out such work as is necessary for the purpose of ensuring that the house concerned meets the repairing standards 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:-

1. To ensure that the carbon monoxide monitors are interlinked throughout the property and provide documentary evidence from a suitably qualified electrician if installed by mains unit or if installed by battery unit then such evidence as can be provided to show same

The tribunal ordered that the work specified in the order must be carried out and completed by 3 April 2023.

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.

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 finally 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 respondent 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 respondent (and that includes any 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 that house. This is in terms of Section 28(5) of the Act.