

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/23/0189

**Property at 9 Sainford Crescent Falkirk, FK2 7QE (“the Property”), being
subjects registered in the Land Register of Scotland under Title Number
STG49450**

The Parties: -

**Falkirk Council, per their employee, Mr. Craig Beatt, Private Sector Officer
(Enforcement and Liaison), Callander Business Park, Falkirk, FK1 1XR, as third
party applicant in terms of section 22(1A) of the Act (“the Third Party
Applicant”) and**

**Mr Raja Saddique, residing at 12 Raeburn Road, Larbert, FK5 4GU (“The
Landlord”), and**

**Mr Arif Khan and Mrs Rehana Kauser, residing at 9 Sainford Crescent Falkirk,
FK2 7QE (“The Tenants”)**

Whereas in terms of their decision dated 22nd Mat 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) d. Any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order;

13(1) g. The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

13(1) h. The house meets the tolerable standard.

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:-

- a. Provide a Domestic Electrical Installation Condition Report in respect of the Property with evidence that it was carried out by a suitably qualified and registered SELECT, NAPIT or NICEIC electrical contractor, along with written evidence from the contractor who carries out that report (or another suitably qualified contractor) that the fire detection equipment which has now been installed in the kitchen of the property complies with the current Scottish Government statutory guidance for the satisfactory provision for the detection and warning in the event of a fire and suspected fire and current building regulations.
- b. Repair the UPVC ceiling in the kitchen so that it is in a reasonable state of repair.
- c. Repair or replace the light fittings in the kitchen so that they are safe and in a reasonable state of repair and in proper working order.
- d. Repair or replace all of the electrical sockets in the kitchen so that they are safe and in a reasonable state of repair and in proper working order.
- e. Reposition the wall mounted carbon monoxide detector in the Utility Room of the Property so that it complies with current Scottish Government Statutory Guidance.
- f. Repair the tap on the sink in the utility room, so that it is and in a reasonable state of repair and in proper working order.
- g. Service and repair the boiler/central heating system, so that it is in a reasonable state of repair or in proper working order.
- h. Repair or replace the bath in the property, so that it is watertight and is in a reasonable state of repair or in proper working order.
- i. Repair the flooring in the main bedroom, so that it is in a reasonable state of repair.

The Tribunal order that the works specified in this Order must be carried out and completed within the period two months 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 22nd May 2023 in the presence of the undernoted witness:-

A Cowan
A Cowan Legal Member