

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/RP/RT/23/1232

**Re: 12 Ward Avenue, Redding, Falkirk, FK2 9UL
("the Property")**

The Parties: -

**Ms Laura Myles, residing at the Property
("the Tenant")**

**Falkirk Council, Private Sector Team, Callendar Business Park, Falkirk, FK1
1XR
("the Third Party Applicant")**

and

**Mr Ian Lindsay, 7 Muirfield Road, Stenhousemuir, Larbert, Falkirk, FK5 3BS
("the Landlord")**

The Tribunal

**Mr Maurice O'Carroll (Legal Member and Chair)
Ms Sara Hesp (Ordinary Member) (Surveyor)**

Whereas in terms of their decision dated 31 July 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 that:-

- the fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order (section 13(1)(d) of the Act);
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- the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire (section 13(1)(d) of the Act)

The Tribunal now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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 valid and up to date Gas Safety Certificate and Electrical Installation Condition Report as required by the Tribunal Direction dated 13 June 2023.
- (b) Install smoke detectors in the living room, hallway and landing of the Property, interlinked and compliant with Scottish Government current guidelines.
- (c) Install a heat detector in the kitchen of the Property, interlinked with the smoke alarms and compliant with Scottish Government current guidelines.
- (d) Repair or replace the locks on the door to the conservatory from the garden and the locks and handle from the conservatory into the main house and ensure that they are secure and in proper working order.
- (e) Repair or replace sliding door mechanism on door from conservatory into the main house and ensure that it is in proper working order.
- (f) Replace the window pane in the conservatory that is currently boarded up.
- (g) Repair or replace kitchen sink and associated plumbing, and cupboard and drawer units in the kitchen to ensure that all are in a reasonable state of repair and in good working order.
- (h) Remove and make good the floor vents in hallway and second bedroom to the rear of the Property.

The Tribunal orders that the works specified in this Order must be carried out and completed by **31 October 2023**.

A landlord, tenant or Third Party Applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

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 this and the preceding two pages are executed by Maurice O'Carroll, Legal Member of the Tribunal, at Edinburgh on 1 August 2023 before this witness:-