

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order **Ordered by the First-tier Tribunal for Scotland** **(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/RT/21/1525

Burnbank Cottage, Glensburgh Road, Grangemouth, FK3 8XL ("the Property")

The Parties:-

Falkirk Council, The Forum, Suite 1, Callendar Business Park, Falkirk, FK1 1XR
("The Third Party")

Robert Young Burnbank Cottage, Glensburgh Road, Grangemouth, FK3 8XL
("The Tenant")

Ms Gillian Haggarty residing at 17 Elizabeth Gardens, Stoneyburn, Bathgate,
EH47 8BP ("The Landlord")

Tribunal Members:

Jacqui Taylor (Chairman) and Andrew Taylor (Ordinary Member)

NOTICE TO **Ms Gillian Haggarty**

Whereas in terms of their decision dated 14th March 2022 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 and in particular the Landlord has failed to ensure that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order; the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and the Property has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

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:

1. Exhibit a valid and compliant EICR Certificate.
2. Exhibit a valid and compliant Gas Safety Certificate.

3. Install:

2.1 One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.

2.2 One functioning smoke alarm in every circulation space, such as hallways and landings.

2.3 One heat alarm in every kitchen and

2.4 All alarms should be interlinked and the installation should comply with the regulations.

3. Install carbon monoxide alarms in compliance with the regulations.

The Tribunal orders that these works must be carried out and completed by 29th April 2022.

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 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 a landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy agreement 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 typewritten on this and the preceding page are subscribed at Irvine on 14th March 2022 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Sharon Harvey, 65, High Street, Irvine.

Signed..... **J Taylor**

Chairperson *Sharon Harvey* witness