

Housing and Property Chamber First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RT/22/1193

Re: Property at 37 Firs Street, Falkirk, FK2 7AY registered in the Registers of Scotland under Title Number STG17350 ("the Property")

The Parties:

1. Falkirk Council per its employee, Ms. Kate Smith, Private Sector Officer, Private Sector, The Forum, Callendar Business Park, Falkirk, FK1 1XR as third-party applicant in terms of Section 22(1A) of the Act ("the Third -party Applicant");
2. Mr. Marek Kamionka residing at the Property ("the Tenant") and
3. Mrs. Sadia Ahmed residing at 17 Herries Road, Glasgow, G41 4DE ("the Landlord") per her agent, Mr. Iqbal Ahmed residing at 26, Inch Wood, Bathgate, EH48 2EF ("the Landlord's Representative")

Notice to Landlord and Registered Proprietor

Mrs. Sadia Ahmed residing at 17 Herries Road, Glasgow, G41 4DE

Whereas in terms of its decision dated 4 August 2022, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and, in particular, that the Landlords had failed to comply in respect of Section 13(1)(c) and Section 13(1)(h) of the Act, the First-tier Tribunal now requires the Landlord to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before 31 August 2022: -

1. Instruct a SELECT, NAPIT or NICEIC electrician (i) to carry out a full inspection of the electrical installation throughout the Property, the purpose of which inspection is to ensure that the electrical installation in the Property and the Landlord's appliances therein are safe and fit for purpose (ii) to repair, replace or renew any parts which require to be renewed, replaced or repaired to ensure the installation is fully functioning and meets current regulatory standards and (iii) thereafter to issue a complete and compliant electrical installation condition report ("EICR") and/or an Electrical Installation Certificate in accordance with the Scottish Government

statutory guidance on electrical installations and appliances in private rented property and exhibit the EICR to the Tribunal. This should include testing and certification of all electrical appliances provided by the Landlord.

2. Submit to the Tribunal a copy of the tenancy agreement between the Landlord and the Tenant.

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

In Witness Whereof these presents printed on this and the preceding page are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 4 August 2022 before this witness,