

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/20/2553

Title no: STG7791

13 Iona Place, Hallglen, Falkirk FK1 2PU (“the property”)

The Parties:-

**Falkirk Council, Private Sector Team, The Forum, Suite 1, Callendar Business
Park, Falkirk FK1 1XR (“the third party applicant”)**

**Mr Andrew and Mrs Margaret Sneddon, 9 Stanmore Gardens, Lanark ML11 7RZ
 (“the landlords”)**

Tribunal Members:

Richard Mill (Legal Member) and Sara Hesp (Ordinary Member)

**Notice to Mr Andrew and Mrs Margaret Sneddon, 9 Stanmore Gardens, Lanark
ML11 7RZ (“the Landlords”)**

Whereas in terms of their decision of even date 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:-

- Whether the house is wind and watertight and in all other respects reasonably fit for human habitation.
- Whether the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
- Whether the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

The Tribunal now requires the Landlords to carry out such work as is necessary for the purposes of ensuring that the property 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 Landlords to produce :-

1. A current satisfactory Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT accredited electrician in respect of the property, containing no Category C1 or C2 items of disrepair. The report must include specific reference to the provision for smoke and heat detection in accordance with existing Scottish Government statutory guidelines.
2. Vouching from a suitably qualified tradesman regarding the condition of the living-room window with reference to the ability to open and close the window effectively together with the production of relevant colour electronic photographs of the window.

The Tribunal orders that the requirements specified in this Order must be carried out and completed within the period of 6 weeks from the date of service of this Notice and evidenced to the Tribunal.

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.

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 page(s) are executed by Richard George Mill, solicitor, 69-71 Daly Road, Edinburgh EH11 2AA, legal member of the tribunal at Edinburgh on 21 May 2021 before this witness:-

R. Mill

Legal Member

CATHERINE McNAUGHT Witness

C McNaught

Name 69-71 Daly Road, Edinburgh Address
EH11 2AA