

# Housing and Property Chamber First-tier Tribunal for Scotland

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**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”)  
Repairing Standard Enforcement Order (“RSEO”) under section 24 (1) of the Housing  
(Scotland) Act 2006 (“the Act”)**

**Chamber Ref: FTS/HPC/RT/22/0593**

**Title number: STG39267**

**Re: Property at 107 Thornton Avenue, Bonnybridge, FK4 1AP (“the property”)**

**The Parties:**

Falkirk Council Private Sector Team, Suite 1, The Forum, Callendar Business Park, Falkirk,  
FK1 5XR per Mrs Mhairi Ferrie (“the third party”)

Ms Caitlin Don, 107 Thornton Avenue, Bonnybridge, FK4 1AP (“the tenant”)

Mr Syed Abbas, 9 Holding, Kilsyth Road, Longcroft, Bonnybridge, FK4 1HD (“the  
landlord”)

**Tribunal Member:** Simone Sweeney (legal chairing member) Carol Jones (ordinary  
surveyor member)

## **NOTICE TO**

Mr Syed Abbas, 9 Holding, Kilsyth Road, Longcroft, Bonnybridge, FK4 1HD

Whereas in terms of their decision dated, 22<sup>nd</sup> May 2022 the Tribunal determined that the  
landlord has failed to comply with the duty imposed by section 14 (1) (b) of the Act and in  
particular that the landlord has failed to ensure that:-

*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 (section 13 (1) (c) of the Act).*

*Any 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).*

*The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire (section 13 (1) (f) of the Act).*

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

the Tribunal now requires the landlord to carry out such work and produce such documentation 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:-

- 1. To produce an up to date gas safety record for the property from a suitably qualified gas safe engineer;*
- 2. To produce an up to date Electrical Installation Condition Report ("EICR") for the property from a suitably qualified and SELECT, NICEIC or NAPIT registered electrical contractor;*
- 3. To produce an up to date Portable Appliance Test Certificate ("PAT") of any electrical appliances provided by the landlord at the property;*
- 4. To provide evidence that the property has satisfactory provision for detection and warning of carbon monoxide in compliance with all current statutory guidance;*
- 5. To provide evidence that the property has satisfactory provision for detecting fires in compliance with all current statutory guidance;*

The Tribunal order that the works specified in this Order must be carried out and completed **within the period of 31 days** from the date of service of this Notice.

**A landlord, tenant or third party 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 page and the preceding page are executed by S. Sweeney, legal chairing member of the Tribunal at Glasgow on 22<sup>nd</sup> May 2022 before this witness:-

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B. Divers, witness, 22<sup>nd</sup> May 2022,