

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/23/1237

Title Number: STG61394

46 Westquarter Avenue, Westquarter, Falkirk, FK2 9RL (“the Property”)

Parties:

Falkirk Council, The Forum, Callender Business Park, Falkirk, FK1 5XR (“the Third Party”)

Ian Lindsay, 7 Muirfield Road, Stenhousemuir, Larbert, Falkirk, FK5 3BS (“the Landlord”)

Tribunal Members:

**Josephine Bonnar (Legal Member)
Andrew McFarlane (Ordinary Member)**

Whereas in terms of their decision dated 18 August 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: -

- (i) 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, and
- (ii) The house meets the tolerable standard.

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: -

1. To take appropriate action to ensure that the smoke and heat detectors at the property are interlinked and in full working order, or replace them with hard-wired or wireless interlinked heat and smoke detectors which comply with current regulations and guidance, and
2. To submit to the Tribunal a certified electrical installation condition report ("EICR") for the property from a suitably qualified SELECT, NAPIT OR NICEIC accredited electrician or provide evidence that the EICR dated 28 June 2023 was issued by an electrician who is registered with one of these bodies.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of four weeks of the date of service of this Notice.

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.

In terms of Section 63 of the Act, 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 are executed by Josephine Bonnar, Legal Member of the Tribunal, at Motherwell on 18 August 2022 the presence of the undernoted witness:-

Witness

Gerard Bonnar
1 Carlton Place, Glasgow