

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/23/1314

Title No: STG45980

2/1 Falkirk Road, Larbert FK5 3AF ("The Property")

The Parties:-

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

Diamond Administration Ltd, 2 Carronvale Road, Larbert, Stirlingshire FK5 3LZ ("the Landlord")

Tribunal Members: Richard Mill (Legal Member) and Andrew McFarlane (Ordinary Member)

NOTICE to DIAMOND ADMINISTRATION LTD, 2 Carronvale Road, Larbert, Stirlingshire FK5 3LZ ("the Landlord")

Whereas in terms of its decision of even date the tribunal determined that the landlord has failed to comply with the duty imposed by section 14(1) of the Housing (Scotland) Act 2006 ("The Act"), and in particular that the landlord has failed to evidence :-

- whether the installations in the house for the supply of water, gas and electricity and for sanitation, space heating or 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

- whether the house 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 works as are 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 landlord:-

1. to instruct an Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT accredited electrician in respect of the property, and to instruct any work to rectify any category C1 or C2 items of disrepair.
2. if there is a gas supply, to instruct a Gas Safety Certificate from a registered Gas Safe engineer which refers to the provision for carbon monoxide detection and details the condition of the gas boiler.
3. to install interlinked smoke and heat detectors in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of 4 weeks and that relevant documentary evidence is provided 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.

Failure of the landlord to comply will most likely lead the Tribunal to issue a failure to comply decision and Rent Relief Order.

In witness whereof these presents type written on this and the preceding two pages are executed by Richard George Mill, solicitor,
_____ legal member of the Tribunal at Edinburgh on 10 October 2023 before
this witness:- R Mill

_____ Legal Member
C McNaught

_____ Witness

Cathy McNaught Name