

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

STATEMENT OF DECISION OF THE HOUSING AND PROPERTY CHAMBER OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND UNDER SECTION 60(5) OF THE HOUSING (SCOTLAND) ACT 2006

Chamber Ref: FTS/HPC/RT/21/0331

Title no: STG7824

7 Cuttyfield Place, Carronshore FK2 8TA (“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”)

The Tribunal

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

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Landlords have complied with the Repairing Standard Enforcement Order in respect of the Property made on 21 May 2021 and that a Certificate of Completion should be issued in terms of Section 60(5) of the Housing (Scotland) Act 2006.

Background

1. Following earlier sundry procedure, the Tribunal found that the Property did not meet the Repairing Standard and in terms of a decision and corresponding Repairing Standard Enforcement Order (RSEO) dated 21 May 2021, the Tribunal required the Landlords to produce:
 1. An 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, which also refers to the provision for smoke and heat detection in accordance with Scottish Government guidance.

2. A copy of the current Gas Safety Certificate from a registered Gas Safe engineer, for the property which refers to the provision for carbon monoxide detection.
 3. Vouching from a suitably qualified tradesman regarding the condition of the windows with reference to the ability to open and close the windows effectively so as to be draft proof, together with the production of relevant colour electronic photographs of the windows.
2. The Landlords were provided with a period of 6 weeks to complete the work required in terms of the RSEO. They failed to do so.
 3. The Tribunal determined that the Landlords had failed to comply with the RSEO and issued a Decision to this effect, together with a corresponding Notice to the Local Authority, both dated 30 August 2021. The Tribunal also made a Rent Relief Order (RRO) which is also dated 30 August 2021.
 4. The Landlords have subsequently produced further documentation in satisfaction of the RSEO. The documentation comprises the following:
 - An EICR prepared by G Gillies Electrical Services dated 1 October 2021 reporting that the electrical condition in the property is satisfactory with no C1 or C2 items of disrepair noted.
 - A Gas Safety Certificate dated 30 March 2022 issued by Morrison Heating Services certifying that the combi boiler operates safely and that a satisfactory carbon monoxide detector exists.
 - A 'fire' EICR issued by G Gillies Electrical Services dated 12 April 2022 confirming the existence of an adequate fire detection and fire alarm system in the property.
 6. On 12 July 2022 the Tribunal inspected the property. The smoke detectors were tested and noted to be operative. The windows in the property were all noted to be new UPVC units which could be opened and closed and secured using keylocks. All the windows were in good condition, in working order, and well-sealed.
 7. The Tenant and Landlords have both confirmed to the Tribunal that all relevant work specified in the RSEO has been completed. The Third Party Applicant has made no observations otherwise.

8. In all of the circumstances, the Tribunal dispensed with the need for any further hearing or further procedure and concluded that the RSEO has now been fully complied with.
9. The Tribunal hereby certifies that the work required in terms of the RSEO has been fully completed and the Tribunal proceeds to issue a Completion Certificate. The Tribunal hereby also revokes the RRO as no longer being necessary as the property now meets the repairing standard.

Right of Appeal

10. 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.
11. 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 type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 17 July 2022.

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Witness

C. H. L. MURPHY Name

Address