



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 60 of the Housing (Scotland) Act 2006

Property: 48 Beauly Court, Hallglen, Falkirk FK1 2QP (“the Property”/ “the house”)

Title Number: STG23201

Chamber Reference: FTS/HPC/RT/20/2528

Parties:

Falkirk Council Private Sector Team, The Forum, Callendar Business Park, Falkirk FK1 1XR (“Third Party Applicant”)

Mr Grant Inglis, 166 Alloa Road, Stenhousemuir, Larbert FK5 4HQ (“the Landlord”)

Mr Stuart Graham, 48 Beauly Court, Hallglen, Falkirk FK1 2QP (“Interested Person”)

Tribunal Members – George Clark (Legal Member/Chairperson) and Sara Hesp (Ordinary Member/Surveyor)

Decision

The Tribunal decided that the work required by the Repairing Standard Enforcement Order in respect of the Property made on 27 January 2021 has been carried out and that a Certificate of Completion of Works should be issued in terms of Section 60 of the Housing (Scotland) Act 2006 (“the Act”)

Background

Following a Case Management Discussion on 27 January 2021, the Tribunal made a Repairing Standard Enforcement Order (“the Order”). The Order required the Landlord to:

- Exhibit to the Tribunal a current Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT registered electrician in respect of the property, containing no Category C1 or C2 items of disrepair.

The Tribunal ordered that the EICR must be exhibited within six weeks of the date of service of the Order on the Landlord.

On 30 April 2021, the Landlord provided the Tribunal with a copy of an Electrical Installation Condition Report (“EICR”) issued by Derek Cunningham of DCE Contractors Limited, Larbert (SELECT Membership Number 4007). The EICR was dated 19 April 2021 and the overall assessment of the installation was “Satisfactory” with no C1 or C2 items of disrepair.

Reasons for Decision

The Tribunal was satisfied that the EICR satisfied the requirements of the Repairing Standard Enforcement Order and that a Certificate of Completion should be issued.

The Tribunal’s Decision was unanimous.

Right of Appeal

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.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

G Clark

Legal Member

Date 26 May 2021