

Housing and Property Chamber First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RT/22/4099

Re: Property at 4, Findhorn Place, Hallglen, Falkirk, FK1 2QJ registered in the Registers of Scotland under Title Number STG26428 (“the Property”)

The Parties:

1. Falkirk Council per its employee, Mr. Craig Beatt, Private Sector Officer (Enforcement and Liaison), Housing and Communities, The Forum, Callendar Business Park, Falkirk, FK1 1XR as third-party applicant in terms of Section 22(1A) of the Act (“the Third -party Applicant”);
2. Ms. Samantha Dalrymple residing at the Property (“the Tenant”) and
3. Mr. Calum Maclean Watt residing at 128, Henderland Road, Bearsden, Glasgow G61 1JA (“the Landlord”)

Tribunal Members:

K Moore (Chairman) and S Hesp (Surveyor and Ordinary Member)

Notice to Landlord

Mr. Calum Maclean Watt residing at 128, Henderland Road, Bearsden, Glasgow G61 1JA

Whereas in terms of its decision dated 14 March 2023, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 in respect of Section 13(a), Section 13(1)(c), Section 13(1)(d), Section 13(1)(f), Section 13(1)(g) and Section 13(1)(h) of the Act the First-tier Tribunal now requires the Landlord to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before 28 May 2023 carry out all of the following:-

1. Instruct a SELECT, NAPIT or NICEIC electrician (i) to carry out a full inspection of the electrical installation throughout the Property, the purpose of which inspection is to ensure that the electrical installation in the Property and the Landlord's appliances therein are safe and fit for purpose (ii) to repair, replace or renew any parts which require to be renewed, replaced or repaired to ensure the installation is fully functioning and meets current regulatory standards and (iii) thereafter to issue a complete and compliant electrical installation condition report ("EICR") and/or an Electrical Installation Certificate with no Category C1 or C2 items of disrepair in accordance with the Scottish Government statutory guidance on electrical installations and appliances in private rented property and exhibit the EICR to the Tribunal. This should include testing and certification of all electrical appliances provided by the Landlord and the repair or replacement of the socket in the main bedroom of the Property;
2. Ensure that interlinked mains-powered smoke alarms or tamper proof long-life lithium battery alarms are properly installed throughout the Property in accordance with Scottish Government and statutory guidelines ;
3. Instruct a suitably qualified contractor to (i) replace the cracked double glazed windowpane in the living room and (ii) service the windows throughout the Property and, if necessary, repair or replace the windows throughout the Property so that these are properly sealed and have fully functioning catches and handles
4. Instruct a suitably qualified Gas Safe registered heating engineer to install thermostatic controls on each of the radiators in the Property to ensure that the heating system is safe, functional and that the heating is capable of being regulated by the Tenant;
5. Make good décor damaged as a result of these works.

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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, also commits an offence if he or she enters into a tenancy or occupancy agreement

in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the preceding pages are subscribed by K Moore, Chairperson of the tribunal, at Glasgow on 22 March 2023 before this witness, N W Moore, solicitor,