

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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### **Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006**

**Case Reference FTS/HPC/RT/23/2477**

**7 Terregles Road, Dumfries, DG2 9HE being the subjects registered in the Land Register of Scotland under title number DMF20870 ('The Property')**

**Ryan and Rebecca Gamble, formerly 7 Terregles Road, Dumfries, DG2 9HE ('The former Tenants')**

**Mr Andrew MacDonald, Mrs Janice Agnes MacDonald, 29 Old Carlisle Road, Moffat, DG10 9QJ; 29 Old Carlisle Road, Moffat, DG10 9QJ ('The Landlords')**

**Dumfries & Galloway Council, Housing & Licensing Standards, Militia House, English Street, Dumfries, DG1 2HR ('the Third Party Applicant')**

**Tribunal Members:**

**Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)**

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlord to:-

- A. Repair or replace the cracked tiles at the front steps of the Property.
- B. Repair or replace the damaged and loose concrete slabs on the front driveway/parking area.
- C. Instruct a suitably qualified electrical contractor to inspect:
  - C.1 The power supply to an electrical socket beside the kitchen sink
  - C.2 The condition of the double electrical plug socket in the downstairs hall.
  - C.3 The condition of the electrical junction box under the hall carpet on the first floor.to determine if they are in proper working order and if they are not in proper working order to repair them.
- D Exhibit a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT, or other suitable accredited registered scheme, who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to have no recommendations in the C1 or C2 category.

E. Install the carbon monoxide alarm in the proximity of the gas boiler ( outside the boiler cupboard) in compliance with the regulations.

The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 29<sup>th</sup> February 2024.

2. The Landlords' solicitor sent the Tribunal a letter dated 15<sup>th</sup> December 2023. Enclosed with the letter were:

2.1 A valid, "Satisfactory" EICR certificate dated 13<sup>th</sup> December 2023 prepared by All Spark Electrical with no recommendations in the C1 or C2 category.

2.2 Photographs showing:

2.2.1 The cracked tiles at the front of the Property having been repaired.

2.2.2 The damaged and loose slabs on the front driveway/parking area having been repaired.

2.2.3 The immersion heater switch in the hallway having been removed and

2.2.4 The carbon monoxide monitor having been correctly installed outside the boiler cupboard.

### **3. Decision**

As the Property has been vacated by the former Tenants the Tribunal accepted the photographic evidence provided and are satisfied that requirements of the RSEO have been satisfactorily completed and determined to certify that the terms of the RSEO have been completed.

4. The decision of the Tribunal was unanimous.

### **5. Appeals**

**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.**

**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.**

**Signe  
Chairperson**

**Date 21<sup>st</sup> December 2023**