

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**DECISION: Housing (Scotland) Act 2006 (the 2006 Act), Section 60**

**Chamber Ref: FTS/HPC/RT/25/0746**

**Property at 54 High Street, Falkirk, FK1 1DD (Title Number STG26878) (the Property)**

**The Parties:-**

**Falkirk Council Private Sector Team, Suite 2, The Forum, Callendar Business Park, FK1 1XR (the Third Party Applicant)**

**Ms Carrie Ann Welsh and Mr Derek Thomson, 27 Greenvale Drive, Brightons, Falkirk (the Respondents)**

**Tribunal members**

**Ms Susanne L. M. Tanner K.C., Legal Member and Chair**

**Mrs Sara Hesp, Ordinary Member**

### **DECISION**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal), having taken account of the findings on re-inspection on 18 November 2025 and the additional evidence and submissions by both parties, determined that the Respondents have complied with the Repairing Standard Enforcement Order dated 1 September 2025, although after the specified date of 1 October 2025.
2. The tribunal issued a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006 (the 2006 Act).
3. The decision of the tribunal was unanimous.

## STATEMENT OF REASONS

1. On 1 September 2025, the tribunal made a decision that the Respondents had failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006, by failing to ensure that the Property met the repairing standard in the following respects:

*'(c) the installations in the house for the supply of ... electricity (including residual current devices) ... are in a reasonable state of repair and in property working order. ...; and*

*(h) the house meets the tolerable standard. ...[including]  
'It has an interlinked system of fire and smoke alarms...'*

2. The tribunal made a Repairing Standard Enforcement Order (RSEO), which required the Respondents to do the following no later than 1 October 2025:

1. *Instruct and exhibit to the tribunal a current satisfactory Electrical Installation Condition Report (EICR) in respect of the Property, carried out by a suitably competent electrician, who is a registered member of NICEIC / SELECT / NAPPIT, showing that the installations in the house for the supply of electricity, including residual current devices are in a reasonable state of repair and proper working order; containing no Category C1 or C2 items of disrepair and no FI categorisations. There should be no limitations on the scope of the Report unless properly explained and it is expected to cover the full electrical installation within the Property. The EICR should include testing and certification of the portable electrical appliances provided by the Respondents.*

2. *Carry out such works as are required, including repair, or replacement as necessary, to ensure that the interlinked system of fire and smoke alarms in the Property complies with current Scottish Government guidance in respect of this element of the Tolerable Standard, in particular that there is a smoke alarm in the room most frequently used for general daytime living purposes; and the installed system is otherwise interlinked, operational and compliant; having regard to Scottish Government 'Guidance relating to the Tolerable Standard on satisfactory fire detection and satisfactory carbon monoxide detection', Published 20 June 2023, Local Government and Housing Directorate, ISBN, 9781805259893.*

3. The RSEO was sent to both parties on 5 September 2025.

4. On 29 September 2025, the Respondents sent an EICR to the tribunal from Alan Eastwood, EA Electrical Services, Stirling dated 25 September 2025, with credentials which stated that the electrician was registered with SELECT. The tribunal's administration checked the details of the electrician and found that they were not registered with NICEIC, SELECT, or NAPPIT.
5. On 20 October 2025, the tribunal considered the information provided by the Respondents and the tribunal's administration. The tribunal's administration was instructed to send a letter to the Respondents to state that checks with SELECT, NAPIT and NICEIC have now shown that the electrical firm on the previously submitted EICR, (EA Electrical Services) is not registered with any of the above organisations. The Respondents were asked to please provide an EICR carried out by an electrician who is so registered, in terms of the RSEO.
6. A re-inspection of the Property was fixed for 18 November 2025 and all parties were notified on 29 October 2025. Both parties were invited to submit a form stating whether the works in the RSEO had been completed.
7. On 31 October, the Third Party submitted a form stating that the works in the RSEO have not been completed, in particular as there was no confirmation that the EICR was in order, or that smoke and heat detectors were in situ. The Third Party stated that they would not be attending the re-inspection.
8. The Respondents did not return the form, or confirm whether they would be attending the re-inspection.
9. On 7 November 2025, the tribunal sent a further notification to parties about the re-inspection.
10. On 18 November 2025, the tribunal carried out a re-inspection of the Property. One of the Respondents attended and provided access. The tribunal observed the following: smoke detectors in the rear living room/bedroom and hall; and a heat detector in the kitchen/dining room. The smoke and heat detectors were found to be in working order and interlinked. A schedule of photographs was taken by the ordinary member showing the location of the smoke and heat detectors. The schedule of photographs is attached to this decision and forms part of it.
11. On 20 November 2025, the tribunal issued a Direction requiring the Respondents to produce an EICR in the terms specified in the RSEO no later than 27 November 2025.
12. On 20 November 2025, the Respondents sent the tribunal a further copy of the previously submitted EICR from EA Electrical Services dated 25 September

2025. The information was considered by the tribunal, which gave instructions to its administration. On 24 September 2025, the tribunal's administration informed the Respondents that they had re-submitted the previously submitted EICR and requested any new EICR they wished to submit.

13. On 24 September 2025, the Respondents submitted a new EICR from SDM Electrical Limited dated 20 November 2025. The tribunal's administration checked the electrician's registration and confirmed that the electrician is registered with NICEIC. The certificate and registration information was passed to the tribunal.

## **Discussion**

14. Taking the tribunal's findings on re-inspection on 18 November 2025 in relation to the interlinked and working smoke and heat detectors, as above, together with the new EICR dated 20 November 2025 from a NICEIC registered electrician, the tribunal is satisfied that the works in the RSEO have been completed, although after the specified date of 1 October 2025.
15. The tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act.

## **Right of Appeal**

- 16. A party aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.**
17. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Ms. Susanne L. M. Tanner K.C.  
Legal Member / Chair

Date 7 December 2025