



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

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

**STATEMENT OF DECISION of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 26 (1) of the Housing (Scotland) Act 2006**

**Case reference FTS/HPC/RT/25/0915**

**Parties**

**Mrs Amanda McGonigal (Tenant)**

**Falkirk Council - Private Sector Team (Applicant)**

**Ms Karen Pelosi (Respondent)**

**18 Woodburn Avenue, Redding, Falkirk, FK2 9XW (House)**

**Land Register Title number STG14429**

**Tribunal members**

**James Bauld (Legal Member ) and Robert Buchan (Ordinary Member)**

**Background**

1. By application initially lodged on 3 March 2025, the applicants as a third party made an application to the First Tier Tribunal (Housing and Property Chamber) indicating that they believed that the respondent who is the landlord was failing to comply with the duty imposed on her by section 14 (1) (b) of the Housing Scotland Act 2006 (hereinafter referred to as “the 2006 Act”). They complained that the property did not meet the repairing standard

set out in the 2006 Act and the Tribunal, after an inspection and hearing on 6 June 2025, issued a Repairing Standard Enforcement Order (RSEO) dated 18 June 2025 in respect of the property

2. The terms of the RSEO were as follows. The tribunal required the Landlord to
  - **To instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an Electrical Installation Condition Report (EICR) to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards**
  - **To provide an up to date Gas Safety Certificate for the house from a Gas Safe Registered Engineer addressing the working order, condition and safety of any gas installation and gas appliances in the house; and the certificate should also address whether there is a carbon monoxide alarm which complies with the statutory guidance within the house.**
  - **To provide Evidence of interlinked fire detection devices and a heat alarm in the house, for example an invoice for installation**
3. The tribunal also ordered that the works specified in the RSEO were to be carried out and completed within the period of 8 weeks

#### **Reinspection and subsequent responses from parties**

4. Upon the expiry of that period of time arrangements were made for the tribunal to re-inspect the property.
5. A reinspection was carried out on 25 November 2025.
6. A report of the reinspection was prepared and was issued to the parties together with a schedule of photographs. The parties were invited to comment upon the report.
7. No response was received from any of the parties.

## Decision

8. The tribunal has carefully reviewed the evidence obtained at the reinspection.
9. The tribunal notes that the RSEO the required the landlord to obtain the standard reports relating o electrical and gas safety and to provide evidence that the required fire and smoke alarms were installed.
10. The Tribunal noted that the landlord has not complied with any element of the requirements of the RSEO
11. Accordingly, the Tribunal took the view that the landlord had failed to implement the works required in terms of the RSEO and was accordingly in breach of the Order. In accordance with the relevant provisions of section 26 of the 2006 Act the Tribunal required to determine whether a Rent Relief Order should be made.
12. In the view of the Tribunal, the landlord has had ample time to implement and comply with the terms of the RSEO. The Tribunal took the view that the landlord had failed to comply with all aspects of the RSEO and in the circumstances the Tribunal determined that a Rent Relief Order should be made.
13. The Tribunal carefully considered the level at which a Rent Relief Order should be made. The Tribunal noted that the maximum percentage deduction which could be made was 90%. The Tribunal took the view that the failure by the landlord to carry out the required works indicated that the landlord had simply ignored the RSEO. The failure of the landlord is serious and there are no mitigating circumstances. It is not particularly difficult to arrange for a gas engineer and electrician to carry out their respective inspections.
14. Accordingly, the Tribunal took the view that the failure by the landlord to comply with the RSEO was significant and that there should be an appropriate reduction made in the ongoing rent to reflect same. The Tribunal took the view that the whole property is affected by this failure, that it raises significant tenant safety issues and given the obvious additional neglect that was apparent from external inspection, the appropriate reduction in rent should be the maximum allowed , namely 90% of the ongoing monthly rent and accordingly the Tribunal determined to make a Rent Relief Order in those terms.

15. A Rent Relief Order is attached to the decision

16. The Decision of the Tribunal is 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.

The Decision of the Tribunal is unanimous.

Signed

Date 22 January 2026

A handwritten signature in blue ink, appearing to read 'James Bauld', written in a cursive style.

James Bauld, Chairman