

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**REPAIRING STANDARD ENFORCEMENT ORDER: Housing (Scotland) Act 2006 section 24(2)**

**Chamber Reference: FTS/HPC/RT/21/1524**

**Title number: Subjects registered in the Land Register of Scotland under title number STG18102**

### **The Parties**

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

**Mr Alan Kerr, 91 High Street, Bonnybridge, Falkirk, KD4 1BY (“The Landlord”)**

**Subjects: 8L Easton Drive, Shieldhill, Falkirk, FK1 2DR (“the Property”)**

### **NOTICE TO**

**Mr Alan Kerr, 91 High Street, Bonnybridge, Falkirk, KD4 1BY**

Whereas in terms of their decision dated 26<sup>th</sup> August 2021, the First-tier Tribunal for Scotland (Housing and Property Chamber) has determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlord has failed to ensure that:

1. The installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.

The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard.

In particular the Tribunal requires the Landlord to lodge the following documentation with the First-tier Tribunal for Scotland (Housing and Property Chamber), Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT or by email to [HPCAdmin@scotcourtribunals.gov.uk](mailto:HPCAdmin@scotcourtribunals.gov.uk) within **4 weeks of the date of service of this Order:**

1. Produce a current Electrical Installation Condition Report for the Property and PAT testing for any portable appliances supplied by the Landlord. The Report requires to be prepared by a suitably approved electrician who is either employed by a firm that is a member of an accredited registered scheme operated by a recognised body or a self-employed member of an accredited registration scheme operated by a recognised body, or is able to complete, sign and submit to the Tribunal the checklist at Annex A of the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property issued on 1<sup>st</sup> December 2016 together with copies of documentary evidence in support of the checklist. The Report requires to have no recommendations in the C1 or C2 category and requires to address the necessary provision in the Property for detecting fires and for giving warning in the event of fire or suspected fire and for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
2. Produce a Gas Safety Certificate for the Property prepared by a suitably qualified gas engineer registered in the Gas Safe Register

**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.

**Please note that in terms of section 28(1) of the Act, a Landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A Landlord (and that includes any Landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a Property at any time during which a RSEO has effect in relation to the Property. This is in terms of Section 28(5) of the Act.**

In witness whereof these presents typewritten on this and the preceding page are executed by Helen Forbes, solicitor, chairperson of the tribunal at Inverness on 28<sup>th</sup> August 2021 before this witness Ishbel Wright, 20 Ardhalm Place, Inverness

**H. Forbes**

\_\_\_\_\_ witness \_\_\_\_\_ chairperson