

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24
Chamber Ref: FTS/HPC/RT/22/3928**

Property: 8 Mary Street, Laurieston, Falkirk FK2 9PW('The House')

Title Reference: STG5717

The Parties: -

Laura Irvine, residing at 8 Mary Street, Laurieston, Falkirk FK2 9PW ('the tenant')

Rowland Reilly, 198 Whitehouse Road, Edinburgh EH4 6BX ('the landlord')

**Craig Beatt, Falkirk Council, Private Sector Team, The Forum, Suite 2,
Callendar Business Park, Falkirk FK1 1XR ("the third party")**

Whereas in terms of their decision dated 12th February 2023, The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("The Act") and in particular that the Landlord has failed to ensure that:-

- **the installations in the house 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**
- **any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.**
- **the house meets the tolerable standard.**
- **the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire**
- **the housing has satisfactory provision for warning if carbon monoxide is present in a concentration that is hazardous to health**

the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the tribunal requires the landlord to:-

1. Instruct a SELECT, NAPIT or NICEIC electrician (i) to carry out a full inspection of the electrical installation throughout the house, the purpose of which inspection is to ensure that the electrical installations are safe and fit for purpose (ii) to repair, replace or renew and parts which require to be repaired, replaced or renewed to ensure that the installation is fully functioning and meets current regulatory standards and (iii) thereafter to issue a complete and compliant electrical installation completion report ("EICR") in accordance with 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 electrical applicants provided by the Landlord.
2. Ensure that the smoke and heat detectors within the House are interlinked and fully compliant with Scottish Government statutory guidance and regulations.
3. Install a carbon monoxide monitor in the kitchen of the House and ensure that the location of the monitor complies with Scottish Government statutory guidance and regulations.
4. Carry out such repairs as are necessary to return the front door to proper working order.
5. Instruct a suitably qualified engineer to carry out such repairs as are necessary to ensure the shower is returned to proper working order.
6. Ensure that a loft hatch is installed in the House.
7. Instruct a suitably qualified individual to install safe and adequate flooring in the bedroom cupboard above the living room and to ensure that all pipe work is properly enclosed.

The Tribunal order that the works specified in this Order must be carried out and completed within the period 35 days from the date of service of this Notice.

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.

In terms of Section 63 of the Act, 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 house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.

In witness whereof these presents type written on this and the preceding page(s) are executed by Mary-Claire Kelly, legal member of the Tribunal, at Edinburgh on 17th February 2023 in the presence of the undernoted witness:-

N Ferguson

M C Kelly

witness

Legal Member