

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

# **Housing and Property Chamber**

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



**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006  
Section 24**

**Chamber Ref: FDS/HPC/RT/23/3619**

Land Register Title Number: STG83896

Re Property at 21 Smith Street, Falkirk, FK2 7NB ("the Property")

The Parties: -

- a) Falkirk Council, per their employee, Mr. Craig Beatt, Private Sector Officer (Enforcement and Liaison), Callander Business Park, Falkirk, FK1 1XR, as third party applicant in terms of section 22(1A) of the Act ("the Third Party Applicant") and
- b) Mr. Bruno Minchella residing at 20 Carrongrange Gardens, Stenhousemuir, Larbert, FK5 3DU ("the Landlord")

Whereas in terms of their decision dated 22<sup>nd</sup> Mat 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 compliance with the following paragraphs of section 13(1) of the Act:

13(1) c. The installations in the house for the supply of water, gas and electricity and sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;

13(1) d. Any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order;

13(1) h. The house meets the tolerable standard.

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 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 a new EICR to the Tribunal confirming that the installations, apparatus and wiring meet current regulatory standards, The landlord is also directed to commission a Portable Appliance Test (PAT) on the entire electrical installations in the property. Both reports should be carried out by a suitably qualified and registered SELECT, NAPIT or NICEIC electrical contractor.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of one month 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 are executed by Andrew Cowan, legal member of the Tribunal, at Glasgow on 15<sup>th</sup> March 2024 in the presence of the undernoted witness:-

witness  
LAURA CAMPBELL name in full

Legal Member  
ANDREW COWAN