

Housing and Property Chamber

First-tier Tribunal for Scotland



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 60 of the Housing
(Scotland) Act 2006

Chamber Ref: FTS/HPC/RT/24/1590

**Re: 42 Comely Place, Falkirk, FK1 1QG ("the
Property")**

The Parties:-

**Falkirk Council Private Sector Team ("the Third Party
Applicant")**

**Mr Ryszard Wegrzyn, Mr James MacIntosh, Mr Josef
MacIntosh ("the previous Landlord")**

**Duncan Alexander Ltd., 36 Ormiston Terrace, Edinburgh,
EH12 7SJ ("the new Owner")**

The Tribunal

**Ms Yvonne McKenna (Legal Member and Chair)
Ms Sara Hesp (Ordinary Member and Surveyor)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") certifies that the work required by the repairing standard enforcement order ("RSEO") relative to the Property dated 6 September 2024 has been completed. Accordingly, the said RSEO is discharged.

Background

1. The Tribunal issued a decision dated 6 September 2024, requiring the previous Landlord to comply with the RSEO relative to the Property, issued by the Tribunal on the same date.

2. The RSEO required the previous Landlord:

- (a) to ensure that the Carbon Monoxide detector in the gas boiler room is properly sited in accordance with Scottish Government guidance.
- (b) to provide a current, up to date electrical inspection condition report (EICR) on the Property by a suitably competent electrician on the working order and condition of the installation in the Property for the supply of electricity containing no category C1 or C2 items of disrepair. The provisions relating to competent electricians are contained in the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property.
- (c) to provide a valid and up to date Gas Safety Certificate for the Property from a Gas Safe Registered Engineer addressing the working order, condition and safety of any gas installation and gas appliances in the house.
- (d) to provide evidence of interlinked fire detection devices and a heat alarm in the Property sited in accordance with Scottish Government guidance.

3. The Tribunal ordered that the works specified in the order must be carried out and completed by 6 November 2024.

4. The Property has now been purchased by the new Owner on 25 June 2025. The Tribunal has since received evidence from the new Owner which has demonstrated compliance with the terms of the order.

5. The Tribunal therefore certifies that the terms of the RSEO have been completed and accordingly discharges the RSEO.

Reasons for decision

6. The Tribunal determined that the works detailed in the RSEO have been completed and accordingly the RSEO is discharged. The decision of the Tribunal was unanimous.

Right of Appeal

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.

Y McKenna

Signed Yvonne McKenna
Legal Member of the Tribunal

Date: 23 April 2026

