

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Completion of Work under Section 60(5) of the Housing (Scotland) Act 2006 as amended ("the Act")

Reference number: FTS/HPC/RP/25/0265

Title Number: FFFE98367

**Re: 5 Southfield, Fife, Falkland, KY15 7AS
("the House")**

**Mr. Andrew Maxwell, 12 Liquorstane, Cupar, Falkland KY15 7DQ
("the Landlord")**

Tribunal Members:

Susan Christie (Legal Member)

Sara Hesp (Ordinary/Surveyor Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") hereby certifies that the work required by the **Repairing Standard Enforcement Order ("RSEO")** relative to the House dated 18 March 2026 that required the Landlord to-

- 1) Repair or replace the seal on the oven in the kitchen of the House so that it is secure and is in a reasonable state of repair and in proper working order.
- 2) Repair or replace the oven light and/or bulb so that it and is in a reasonable state of repair and in proper working order.
- 3) Instruct a suitably qualified SELECT, NICEIC or NAPIT registered electrician to carry out a certified electrical inspection of the entire electrical installation of the House and all electrical appliances and equipment supplied by the landlord and carry out all necessary works to rectify any identified C1 and C2 categorised areas. Thereafter provide the First-tier Tribunal for Scotland (Housing and Property Chamber) with a current satisfactory Electrical Installation Condition Report (EICR), and a Portable Appliance Testing (PAT) Certificate, prepared by a suitably qualified SELECT, NICEIC or NAPIT registered electrician.

All within eight weeks of the service of the RSEO on the landlord.

- 4) Install an adequate carbon monoxide detector in the kitchen of the House near to the gas boiler in compliance with current Scottish Government Guidance; within four weeks of the service of the RSEO on the landlord.

have been completed. Accordingly, the said RSEO relative to the House has been discharged.

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.

In Witness Whereof these presents type written on this page are executed by Susan Christie, legal member of the Tribunal, at Glasgow on 23 August 2026 in the presence of the undernoted witness: -

S Christie

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006, section 24(1)

Reference number: FTS/HPC/RP/25/0265

Title Number: FFFE98367

Re: 5 Southfield, Fife, Falkland, KY15 7AS
("the House")

Mr. Andrew Maxwell, 12 Liquorstane, Cupar, Falkland KY15 7DQ
("the Landlord")

Tribunal Members:

Susan Christie (Legal Member)

Sara Hesp (Ordinary/Surveyor Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having made such enquiries as it saw fit for the purpose of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the Property, and taking account of all of the available evidence, determined that the Landlord has complied with the duty imposed by Section 14(1) (b) of the Act.

Background

1. The former tenant applied to the Tribunal in terms of Section 22(1) of the Housing (Scotland) Act 2006, seeking an Order against the Landlord on the basis that he had failed to comply with the duties imposed by Section 14(1)(b) of the Act. The application stated that the former tenant considered that the Landlord had failed to meet the repairing standard in relation to the House.
2. The tribunal, having become aware that the tenancy of the former tenant had ended on 1 December 2025, issued a Minute of Continuation to a Determination under Schedule 2 Paragraph 7(3) of the 2006 Act.

3. The Tribunal initially inspected the House on 14 May 2025. Following on from that, the tribunal made a repairing standard enforcement order (RSEO). This and the accompanying decision were issued to the Landlord.
4. The works under the RSEO required to be completed within the periods specified in the RSEO following on from service on the Landlord.

The Re-Inspection

5. On the morning of 3 July 2026, the Tribunal re-inspected the House in the presence of the current occupier who provided access. The Landlord did not attend. The weather conditions at the time of the Inspection were dry and warm. Photographs were taken during the Inspection, and the re-inspection Report is attached to this Decision.
6. The purpose of the re-inspection was to investigate whether work required under the RSEO had been completed. The landlord, having questioned the requirements of the Repairing Standard Enforcement Order, had provided updated photographs of items for repair, but the Tribunal considered that it was appropriate, given the nature of some of the issues raised, to carry out the re-inspection in person.
7. In particular, the RSEO required the Landlord to: -
 - 1) Repair or replace the seal on the oven in the kitchen of the House so that it is secure and is in a reasonable state of repair and in proper working order.
 - 2) Repair or replace the oven light and/or bulb so that it and is in a reasonable state of repair and in proper working order.
 - 3) Instruct a suitably qualified SELECT, NICEIC or NAPIT registered electrician to carry out a certified electrical inspection of the entire electrical installation of the House and all electrical appliances and equipment supplied by the landlord and carry out all necessary works to rectify any identified C1 and C2 categorised areas. Thereafter provide the First-tier Tribunal for Scotland (Housing and Property Chamber) with a current satisfactory Electrical Installation Condition Report (EICR), and a Portable Appliance Testing (PAT) Certificate, prepared by a suitably qualified SELECT, NICEIC or NAPIT registered electrician.

All within eight weeks of the service of the RSEO on the landlord.

- 4) Install an adequate carbon monoxide detector in the kitchen of the House near to the gas boiler in compliance with current Scottish Government Guidance; within four weeks of the service of the RSEO on the landlord.

Findings of re-inspection

9. On re-inspection, the Tribunal was satisfied that:
 - 1) The oven seal was attached at all four corners of the oven and although not centrally affixed, was reasonable overall and sufficient to meet the repairing standard.
 - 2) The oven light has been replaced so that it is now in a reasonable state of repair and in proper working order.
 - 3) An old carbon monoxide detector was in place on the opposite wall to the boiler; a new and additional carbon monoxide detector has been ceiling mounted adjacent within reasonable proximity to it.
10. The Tribunal however noted in the original decision of the Tribunal and repeated in the re-inspection Report, that although the landlord had provided an Electrical Installation Condition Report dated 4 October 2024, that did not meet the criteria stated in the RSEO which incorporates the statutory guidance for landlords issued by the Scottish Government, and which requires those carrying out electrical testing to demonstrate their skill and competence. The certification of the installation as Satisfactory was provided by K F Electrical but it has not been possible to confirm that this contractor is suitably competent. In order to meet the terms of the Order, the landlord required to demonstrate to the Tribunal the competence of their contractor in accordance with the Scottish Government guidance.; or alternatively, if he was unable to provide documentation to satisfy the tribunal on competency, then he was invited to provide a new Certificate, compliant with the terms of the Order, and required to be provided to the tribunal without delay. At the date of the re-inspection that had not been provided by the Landlord.

Post re-inspection.

11. The re-inspection Report was issued to the Landlord around 16 July 2026.
12. Subsequently, the Landlord provide a new Certificate, dated 23 September 2025, from First Call Trade Services Ltd with an overall rating of 'Satisfactory'. This had been commissioned by Rent Locally of Unit 1, 109 Swanston Road, Edinburgh, EH10 7DS rather than the landlord, however it did relate to the

House, and was provided to the tribunal administration by the Landlord. Enquiry subsequently established the contractor commissioned was NICEIC registered. The Tribunal is therefore satisfied that the Certificate, now belatedly provided to it, meets the terms of the Order.

Findings in fact

The Tribunal finds the following facts to be established:

- I. The oven seal was attached at all four corners of the oven and although not centrally affixed, the Tribunal accepts that this is reasonable and sufficient to meet the repairing standard.
- II. The oven light has been replaced so that it is in a reasonable state of repair and proper working order.
- III. Although an old carbon monoxide detector was in place on the opposite wall to the boiler, a new and additional carbon monoxide detector has been ceiling mounted adjacent within reasonable proximity to it.
- IV. The tribunal has had sight of an Electrical Installation Condition Report (EICR) in relation to the House which was inspected on 23 September 2025, and it has an overall assessment of the electrical installation as Satisfactory. The contractor commissioned is NICEIC registered.

Reasons for Decision

The tribunal is satisfied that there has now been compliance with the terms of the RSEO.

The Landlord has therefore now complied with the duty imposed by section 14 (1) (b) of the Act in respect of the matters contained in the RSEO.

The decision is based on the findings of the visual re-inspection as well as the subsequent information/documents given.

The decision of the Tribunal is unanimous.

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.

S Christie

Signed:

Legal Member,
23 August 2026.