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

(Hereinafter referred to as "the tribunal")

**Statement of decision of the Tribunal under Section 25 of the Housing (Scotland) Act 2006**

**Case Reference Number: FTS/HPC/RP/25/3810**

**Re: 29 Burns Drive, Johnstone, Renfrewshire, PA5 0HA ("the house")**

**Land Register Title No: REN108678**

**Mr Lee Burke and Miss Donna Fagan, 29 Burns Drive, Johnstone, Renfrewshire, PA5 0HA ("the Tenant")**

**Mr Brian Wallace, 83 Scott Avenue, Johnstone, Renfrewshire PA5 0HF ("the Landlord")**

**Sarah O'Neill (Legal Member) and Robert Buchan (Ordinary (Surveyor) Member)**

**Repairing Standard Enforcement Order Against:**

**Mr Brian Wallace** (the landlord)

## Background

1. The tribunal issued a decision on 22 June 2026 requiring the landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property issued by the tribunal on the same date.

2. The RSEO required the landlord to:

    1. Repair or replace the broken kitchen drawer to ensure that it closes and is otherwise in a reasonable state of repair and in proper working order.

    2. Replace the bath panel to ensure that it is in a reasonable state of repair and in proper working order.

3. Replace the kitchen flooring with new flooring suitable for use in a kitchen to ensure that it is in a reasonable state of repair and in proper working order.

4. Provide to the tribunal an up to date Electrical Installation Condition Report (EICR) for the house, showing that:

    1) all electrical installations, appliances and fixtures and fittings supplied by the landlord within the house have been checked and are in satisfactory condition.
    2) an appropriate RCD (residual current device) has been installed.
    3) the relevant contractor has checked whether the electric oven is hardwired, and if not has taken any necessary action to ensure that it is safely and adequately connected to the electrical supply.

    The EICR must be produced by either:

    - a suitably qualified and registered SELECT or NICEIC contractor
    - a member of NAPIT, or
    - a contractor who is able to provide evidence that they are a 'competent person' i.e. a completed and signed checklist, as set out at Annex A on page 13 of the guidance by Scottish Ministers on Electrical Installations and Appliances in Private Rented Property, which can be found on the Chamber's website.

The Tribunal ordered that the works specified must be carried out and completed within the period of two months from the date of service of the RSEO.

3. The Tribunal carried out a re-inspection of the property on 30 September 2026. In its re-inspection report of that date, the Tribunal noted the following:

a) The kitchen unit housing the broken drawer has been replaced with a new unit with drawer.
b) The bath panel has been replaced with a new panel, suitably sealed.
c) A new consumer unit and RCD have been installed.
d) An invoice to evidence the electrical work has been provided but the Electrical Installation Condition Report has not been exhibited.
e) The kitchen flooring has not been replaced.

4. The Tribunal sent a copy of its re-inspection report to both parties on 16 October 2026. Written representations were invited from both parties in response to the report.

5. The Tribunal issued a direction to the parties alongside the re-inspection report on the same date. The Tribunal directed the landlord to provide a copy of the EICR within 14 days of receiving the direction**.**

6. The direction also noted that the tribunal found at its re-inspection that the kitchen flooring had not been replaced. The Tribunal noted that it understood that the landlord had purchased a new vinyl covering, but that there was an issue regarding whether the tenants' fridge freezer required to be moved to allow the flooring to be laid.

7. The direction stated that the Tribunal encouraged the parties to reach an agreement with regard to the replacement of the kitchen flooring.

8. A response was received from the tenants on 22 October 2026. This stated that they had nothing further to add, and that they had proposed solutions regarding the kitchen flooring but that nothing had been agreed with the landlord or his letting agent.

9. A response was received from the landlord's representative on 27 October 2026. An EICR produced by G.L. Electrical Contractors, Glasgow, dated 16 July 2026 was attached.

10. The landlord's representative also confirmed that an appointment had been arranged for a contractor to fit the kitchen flooring on 18 November 2026.

11. The Tribunal notes what the landlord's representative says with regard to the kitchen flooring.

12. The Tribunal notes that the EICR dated 16 July 2026 states that the contractor which produced it, G.L. Electrical Contractors, is a member of SELECT. On checking this, however, the Tribunal administration was advised by SELECT on 2 November 2026 that this contractor is not a member of SELECT.

13. In determining whether the electrical installation within a house meets the repairing standard, the tribunal is required to have regard to guidance issued by Scottish Ministers. The relevant guidance states that an EICR must be provided by one of the following:

    - a suitably qualified and registered SELECT or NICEIC contractor
    - a member of NAPIT, or
    - a contractor who is able to provide evidence that they are a 'competent person' i.e. a completed and signed checklist, as set out at Annex A on page 13 of the guidance by Scottish Ministers on Electrical Installations and Appliances in Private Rented Property, which can be found on the Chamber's website.

14. The Tribunal therefore requires the landlord to provide either:

    a) evidence that the contractor who produced the EICR meets one of the above requirements.
    b) A new EICR in respect of the property produced by a contractor which meets one of the above requirements.

15. In the circumstances, the Tribunal decided to extend the period for the completion of the works until **30 November 2026,** to allow for the outstanding items above to be completed.

**Rights of Appeal**

16. In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

17. 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.

Signed……Date……12 November 2026

Sarah O'Neill, Chairperson