

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

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

**Re: 38 Tiree Court, Irvine, North Ayrshire, KA11 ("the House")**

**Title number: AYR 45712**

**Chamber Ref: FTS/HPC/RP/23/3360**

**Mr Martin Grant, residing at the House ("the Tenant")**

**Mr John Scott, 8B Park Terrace, Ayr, KA7 2AN ("the Landlord")**

**Tribunal Members:**

**Nicola Weir (Legal Member) and Donald Wooley (Ordinary Member)**

Whereas in terms of their decision dated 29 January 2024, 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 House meets the repairing standard with reference to the following provisions of Section 13 of the Act, as amended:-

- (a) the house is wind and watertight and in all other respects reasonably fit for human habitation;
- (c) 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;
- (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; and

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. Investigate and repair, renew or replace the defective door entry "buzzer" system, to ensure that it is in a reasonable state of repair and in proper working order.
2. Investigate and repair or replace the defective hot water tap (sink) in the bathroom ensuring that that it is in a reasonable state of repair and in proper working order.
3. Instruct a suitably qualified damp specialist to undertake a detailed survey of the bedroom and surrounding area, to identify the cause and full extent of the dampness and any necessary remedial action. Any reports, quotations or receipts in respect of the repairs should, when available, be submitted to the Tribunal for consideration. Thereafter all necessary repairs to remedy the dampness and any associated defects should be completed, and any resultant decoration made good to ensure that the House is in a reasonable state of repair, wind and watertight and in all other respects reasonably fit for human habitation.
4. Repair the residual damage between the mutual hall/bathroom wall and skirting board in the entrance hall and make good the decoration in that area to ensure that it is in a reasonable condition and state of repair.

The Tribunal order that the works specified in this Order must be carried out and completed within a period of **8 weeks** from the date of issue of this Order.

**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 typewritten on this and the preceding page are executed by Nicola Weir, Legal Member of the Tribunal, at Glasgow on 29 January 2024 in the presence of the undernoted witness:-

F Weir

N Weir

\_\_\_\_\_ witness \_\_\_\_\_ Legal Member

*Nicola Weir*

name in full

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