

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Determination: Housing (Scotland) Act 2006: Section 60 (5)(b)**

**House at 1H Castle Keep Gardens, Stanecastle, Girdle Toll, Irvine, KA11 1AF  
registered in the Land Register of Scotland under Title Number AYR59606  
("the Property")**

**Case Reference FTS/HPC/RP/21/0390**

Mrs Fiona A-E Bevan, formerly residing at 1H Castle Keep Gardens, Stanecastle, Girdle Toll, Irvine, KA11 1AF ("The Former Tenant")

Mr Jaswinder Basra, 22 Macara Drive, Irvine, KA12 0LH ("The Landlord")

24 7 Property Letting, 28 John Finnie Street, Kilmarnock, KA1 1DD ("The Landlord's Representative.")

Tribunal Members – Martin McAllister, Solicitor (Legal Member) and Donald Wooley, Chartered Surveyor (Ordinary Member) ("the tribunal")

### **Decision**

**The Landlord has complied with a repairing standard enforcement order dated 13<sup>th</sup> September 2021 and served on 15<sup>th</sup> September 2021**

### **Background**

1. The First-tier Tribunal for Scotland made a Repairing Standard Enforcement Order ('RSEO') under Section 24 (2) of the Housing (Scotland) Act 2006 ("the Act") on 13<sup>th</sup> September 2021 in respect of the Property in the following terms:

**The Landlord is to repair or replace the windows in the Property, including the patio doors, to ensure that they are in efficient working order and free from draughts.**

2. The RSEO required the Landlord to comply with the RSEO by 30<sup>th</sup> November 2021.

3. On 11 February 2022, the Tribunal determined that the Landlord had not complied with the RSEO.

#### **Re- Inspection13 March 2024**

4. The members of the Tribunal inspected the Property on 13 March 2024 and a copy of the Re-inspection report dated 13 March 2024 is attached to this Decision.
5. The tribunal members were given access to the Property by Mr Roman, the current tenant who is not a participating party to the application. When the tribunal had last inspected the Property on 18 August 2022, the second bedroom window remained in need of substantial repair or renewal. Other matters contained in the RSEO had been attended to. On13 March 2024 this window was found to be operating in a satisfactory and safe manner.

#### **Decision and Reasons**

6. In the circumstances, the tribunal considered that it was not necessary to send a copy of the re-inspection report to the Landlord and to thereafter convene a Hearing.
7. The tribunal determined that the RSEO has **been complied with**.
8. The tribunal arrived at its determination as a consequence of what had been found at the inspection of the Property on 13 March 2024.

**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.**

**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.**

Martin J. McAllister,  
Solicitor, legal member of Tribunal.  
18 March 2024