



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

**STATEMENT OF DECISION UNDER SECTION  
25(1)(b) OF THE HOUSING (SCOTLAND) ACT 2006 (“the Act”)**

Re: Property at 41, Woodcroft Avenue, Largs, North Ayrshire, KA30 9EW registered in the Land Register for Scotland under Title Number AYR15648 (“the Property”)

Chamber Ref: FTS/HPC/RP/22/4474

**The Parties**

Mr. Robert James Whitney, otherwise known as Bob Whitney, residing at 63 Ritchie Street, West Kilbride, North Ayrshire, KA23 9HF (“the Landlord”)

Ms. Susan Thomson (“the former Tenant”) is no longer a party.

The Tribunal comprised Mrs. Aileen Devanny, Chamber President, and Ms. Carol Jones, Ordinary (Surveyor) Member.

**Background**

1. The First-tier Tribunal for Scotland (“the Tribunal”) issued a Repairing Standard Enforcement Order (“RSEO”) in respect of the Property on 25 April 2023. This Order required the works specified in the RSEO to be completed on or before 30 June 2023. The Notice of the RSEO and determination with statement of reasons was sent by e-mail to the parties on 3 May 2023. The e-mail used to communicate with the Landlord had been provided to the Tribunal by him previously.
2. After the period for completion of works, a re-inspection of the house by the Tribunal members was arranged for 21 August 2023 with another re-inspection taking place on 1 December 2023.
3. On 20 December 2023 a decision was made by the Tribunal that there had been failure to comply with the RSEO. Since the house was unoccupied and the tenancy lawfully terminated as at 20 December 2023, no rent relief order was issued.

## **Decision and Reasons**

Since the failure to comply decision was issued, the Landlord has not sent a Drainage Report to the Tribunal as he was required to do within the RSEO before completing the drainage works at the Property. However, he has submitted evidence that recent works have been carried out at the Property in an attempt to remedy the drainage problem. These works appear to have been extensive from the paperwork supplied from CamKat Excavations, the company which carried out the site works; furthermore, there is a VAT invoice to support the extent and cost of carrying out the works and photographs submitted to support that works have been undertaken, all of which is evidence to support that the drainage problem in all probability has been resolved. A further re-inspection by the Tribunal is unlikely to provide conclusive evidence as to the success of the works, particularly at this time of year.

For the forgoing reasons, the Tribunal has unanimously decided that the RSEO over the house be revoked as the works required by the Repairing Standard Enforcement Order ("RSEO") are no longer necessary.

A notice will be issued to Registers of Scotland to remove the RSEO from the title to the Property which will allow the Property to be sold unencumbered with the title burden of the RSEO.

## **APPEAL PROVISIONS**

**A Landlord 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.

Mrs. A Devanny  
Chamber President,  
14th May 2024