

# Housing and Property Chamber First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order: Housing (Scotland) Act 2006 Section 24 (2)**

**Reference number: FTS/HPC/RP/24/1669**

**Re: 9 Warrix Avenue, Irvine, North Ayrshire KA12 ODP (registered under title number AYR5568) ("Property")**

**The Parties:**

**Leo Carruthers, 9 Warrix Avenue, North Ayrshire KA12 ODP ("Tenant")**

**CHAP, Michael Lynch Centre, 71 Princes Street, Ardrossan, North Ayrshire KA11 8DG ("Tenant's Representative")**

**John Carpy, 16 Church Wynd, Bo'Ness EH51 0EQ ("Landlord")**

**Tribunal Members :**

**Joan Devine (Legal Member); Donald Wooley (Ordinary Surveyor Member)**

**NOTICE TO: John Carpy ("the Landlord")**

**Whereas in terms of its decision dated 27 September 2024, the Tribunal determined that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Housing (Scotland) Act 2006.**

**The Tribunal now requires the Landlord to carry out such work as necessary for the purpose of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.**

**In particular the Tribunal requires the Landlord to :**

- 1. Repair or replace the window in the kitchen to ensure it is wind and watertight and in proper working order.**
- 2. Decorate the areas of damp staining on the ceiling in the living room.**
- 3. Provide a copy of a current Electrical Installation Condition Report ("EICR") from a SELECT, NICEIC OR NAPIT accredited electrician**

following a full inspection of the electrical installation and apparatus throughout the Property confirming the installation and apparatus is satisfactory, fully functioning, meets current regulatory standards and containing no category C1 or C2 items of disrepair.

4. Monitor the effectiveness of the recent roof works completed at and around the projecting flat roof area, specifically where there is significant evidence of damp, and carry out any necessary remedial action as required in the event the recent works have failed to fully address the water ingress.

The Tribunal orders that the works specified in this order must be carried out and completed within the period of 8 weeks from the date of service of this notice.

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 type written on this and the preceding page are executed by Joan Devine, Legal Member of the Tribunal at Glasgow on 27 September 2024 in the presence of this witness :

**Joan Devine**

Legal Member

**Susan Kennedy**

Witness Signature

20 York Street  
Glasgow