

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/24/1409**

**45D New Street, Stevenston, KA20 3HD being the subjects registered in the Land Register of Scotland under Title number AYR59515 (“the Property”)**

**The Parties:-**

**Geoff Lawrence residing at 45D New Street, Stevenston, KA20 3HD (“The former Tenant”)**

**James Patrick and John and Tracey Patrick trading as Just Property of 21 Adair Avenue, Saltcoats, KA21 5QS (“The Landlords”)**

**Tribunal Members:**

**Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)**

#### **1. The Repairing Standard Enforcement Order.**

The Tribunal issued a Repairing Standard Enforcement Order (‘RSEO’) in respect of the Property dated 30<sup>th</sup> August 2024 which required the Landlords to:-

1. Exhibit a valid and compliant EICR Certificate.
2. Provide a report by a qualified electrician reporting on the external wiring in the common close and confirming that it complies with the relevant regulations and is unaffected by visible damp.
3. Monitor the effectiveness of the recent roof repair above the kitchen, ensuring that the wall/ceiling plaster dries satisfactorily, complete any further damp prevention repair to the area if subsequently established to be necessary and redecorate and repair the affected plaster as required.
4. In the event that the recent roof repair was not effective, repair the roof to render it wind and water tight.
5. Repair the kitchen walls to render them free from damp.
6. Repair the chimney cowl to render it in proper working order.

The Tribunal ordered that these works must be carried out and completed by 30<sup>th</sup> November 2024.

#### **2. Documentation.**

**The Landlords had sent the following documents to the Tribunal:**

**2.1** A copy of an Electrical Installation Condition Report (EICR) dated 5 January 2021. It had been prepared by J Walker (Electrical) who is SELECT registered. It identified the general condition of the installation in terms of electrical safety to be “Good” and that the overall assessment of the installation in terms of its suitability for continued use to be “Satisfactory”

**2.2** An inspection report prepared by James Gray Electrical, West Kilbride dated 3<sup>rd</sup> October 2024. The report referred to the condition of the electrical cabling within the access close and stairwell and confirmed that the existing cabling was to the correct standard in terms of protection from moisture, contamination and corrosion. It also stated that in order to comply with the current electrical regulations the 6a miniature circuit breaker had been replaced with a 6a residual current breaker with overcurrent (rcbo).

### **3. Re Inspection.**

The Tribunal attended at the Property on 10<sup>th</sup> February 2025. The Tenant had vacated the Property. James Patrick, one of the Landlords, was present at the reinspection. The reinspection report is attached hereto and referred to for its terms.

### **4. Hearing**

An inperson hearing was held following the inspection at 11.45am on 10<sup>th</sup> February 2025 at Ardeer Community Centre, Shore Road, Stevenston, KA20 3NB. James Patrick also attended the hearing and represented the Landlords.

In connection with the outstanding matters detailed in the Repairing Standard Enforcement Order Mr Wooley described the matters observed at the inspection, as detailed in the reinspection report, and James Patrick agreed that the required works had been completed.

### **4. Decision**

4.1 The Tribunal determined that the RSEO has been complied with.

4.2 The decision of the Tribunal was unanimous.

### **5. Appeals**

**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.**

**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  
Chairperson

**J Taylor**

Date 11<sup>th</sup> February 2025

# Housing and Property Chamber First-tier Tribunal for Scotland

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## First-Tier Tribunal for Scotland (Housing and Property Chamber) Re-inspection report



**Property** 45D New Street Stevenston, KA20 3HD

**Ref No:** FTS/HPC/RP/24/1409

**Surveyor:** Donald Wooley MRICS

### **Previous inspection**

The subject property was originally inspected on 26 August 2024 by the First-tier Tribunal for Scotland (Housing Property Chamber). Following a subsequent hearing a Repairing Standard Enforcement Order (RSEO) was issued.

### **Access:**

A re-inspection of the subject property was arranged for Monday 10 February 2025 at 10.00 am. I arrived at the property at 09.45 am and met Jacqui Taylor, the legal member of the Tribunal.

The property is no longer occupied and access was provided by Mr James Patrick, one of the landlords. Weather conditions at the time of the inspection were cold dry and sunny. Both Tribunal members left the property at 10.20 am.

### **Purpose of re-inspection**

The purpose of this re-inspection was to determine if the required works as detailed under the Repairing Standard Enforcement Order had been completed.

### **Work required under the Repairing Standard Enforcement Order (RSEO):**

The landlord was required to:

1. Exhibit a valid and compliant EICR Certificate.
2. Provide a report by a qualified electrician reporting on the external wiring in the common close and confirming that it complies with the relevant regulations and is unaffected by visible damp.
3. Monitor the effectiveness of the recent roof repair above the kitchen, ensuring that the wall/ceiling plaster dries satisfactorily, complete any further damp prevention repair to the area if subsequently established to be necessary and redecorate and repair the affected plaster as required.
4. Repair the roof to render it wind and water tight.
5. Repair the kitchen walls to render them free from damp.
6. Repair the chimney cowl to render it in proper working order.

### **Site Observations:**



**26 August 2034 – Kitchen**



**10 February 2025 - Kitche**





24 August 2024 – Kitchen



10 February 2025 - Kitchen



24 August 2024 – Kitchen



10 February 2025 – Kitchen

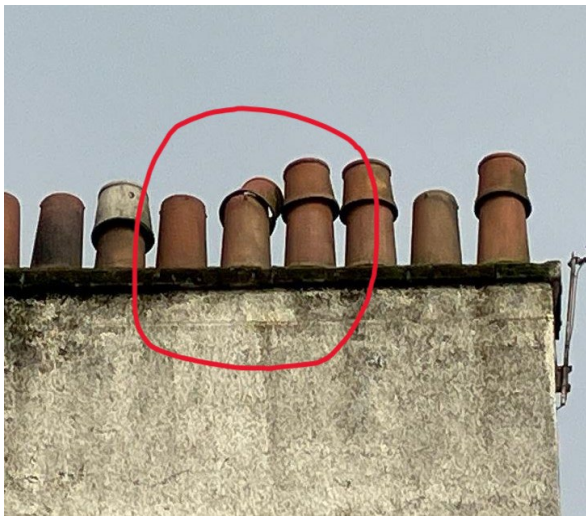
Since the original inspection, the visible damp staining in the kitchen has reduced significantly although evidence of damp remains. (See “**Inspection Summary**”)



24 August 2024 - Roof & Valley gutter



10 February 2025- Roof & Valley Gutter



Chimney cowl/pot 24 August 2024



Chimney cowl/pot 10 February 2025

### **Inspection Summary**

Since the original inspection the chimney cowl, previously resting at a dangerous angle, has now been removed and the affected area made safe.

Internally the kitchen walls continue to exhibit signs of damp supported by readings taken with a proto-meter. The previous highly visible damp staining/tide mark on the walls has reduced significantly. Externally there is evidence to suggest that roof

repairs have been completed since August 2024, most notably around the valley gutter above the kitchen.

As a result of the recent named storm “Eowyn” on 24 January 2025, the tenement building suffered localised damage clearly visible in the photograph at the projecting soil pipe, now distorted and lying at an angle close to the valley gutter. The roof tiles may also have become slightly dislodged although given the localised nature of internal damp this may not have resulted in water ingress to the kitchen.

It is clear, that since the original inspection, the landlord has addressed the issues of damp in the kitchen and it is likely that the readings obtained reflect residual damp as the flat, which is vacant and unheated, continues to dry out.

### **Documents Received Post Initial Hearing**

On 5<sup>th</sup> September 2024, the landlord supplied the Tribunal with a copy of an Electrical Installation Condition Report (EICR) to the Tribunal dated 5 January 2021. It was prepared by J Walker (Electrical) who is SELECT registered. It identified the general condition of the installation in terms of electrical safety to be “Good” and that the overall assessment of the installation in terms of its suitability for continued use to be “Satisfactory”

On 10 October 2024, the landlord supplied the Tribunal with an inspection report on the electrical cabling within the access close and stairwell. The report, prepared by James Gray Electrical, West Kilbride, confirmed that the existing cabling was to the correct standard in terms of protection from moisture, contamination and corrosion. In order to comply with the current electrical regulations however the 6a miniature circuit breaker had been replaced with a 6a residual current breaker with overcurrent (rcbo).

### **Outstanding Repairs and items in RSEO:**

There are no outstanding repairs relative to the current Repairing Standard Enforcement Order.

### **Comments:**

Following the hearing which took place on Monday 10 February 2025 at 11.45 am, this report should be considered as an appendix to the Decision of the First-tier Tribunal for Scotland (Housing Property Chamber) arising therefrom.

Donald Wooley MRICS  
Ordinary Member  
First-Tier Tribunal for Scotland  
10 February 2024

