



**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/24/0602

46 Glencairn Street, Stevenston, KA20 3BY being the subjects registered in the Land Register of Scotland under Title number AYR42956 (“the Property”)

The Parties:-

Ian McDonagh residing at 46 Glencairn Street, Stevenston, KA20 3BY (“The former Tenant”)

William Higgins residing at 1C Morrishill Drive, Beith, KA15 1LS (“The Landlord”)

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 8th August 2024 which required the Landlord to:-

1. Repair or replace the damaged beading in the hall.
2. Repair the damaged plasterwork in the hall and redecorate as necessary.

The Tribunal ordered that these works must be carried out and completed by 30th October 2024.

2. Re Inspection.

The Tribunal attended at the Property on 5th March 2025. The Tenant had vacated the Property. Mrs Helen Higgins was present at the reinspection. The reinspection report is attached hereto and referred to for its terms.

3. Decision

3.1 As the required works had been satisfactorily completed the Tribunal determined that the RSEO has been complied with.

3.2 The decision of the Tribunal was unanimous.

4. 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.

J Taylor

Signed.....Date 9th March 2025
Chairperson

Housing and Property Chamber First-tier Tribunal for Scotland



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



Property 46 Glencairn Street, Stevenston

Ref No: FTS/HPC/RP/24/0602

Surveyor: Donald Wooley MRICS

Previous inspection

The subject property was originally inspected on 31 July 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 Wednesday 5th March 2025 at 3.00 pm. I arrived at the property at 2.45 pm and met Jacqui Taylor, the legal member of the Tribunal.

The property is no longer occupied and access was provided by Mrs Higgins, the partner of the landlord, Mr William Higgins. Weather conditions at the time of the inspection were dull and overcast. Both Tribunal members left the property at 3.20 pm.

Purpose of re-inspection

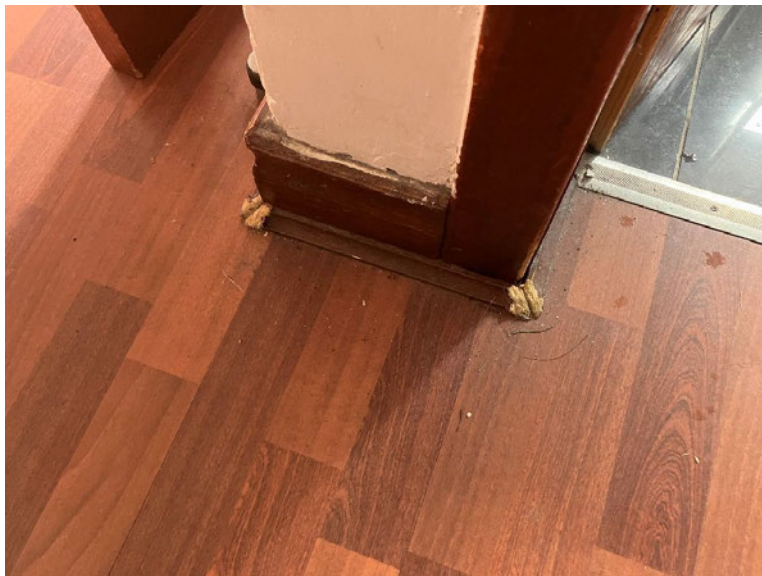
The purpose of this re-inspection was to determine if the required works as detailed under the Repairing Standard Enforcement Order had been completed.

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

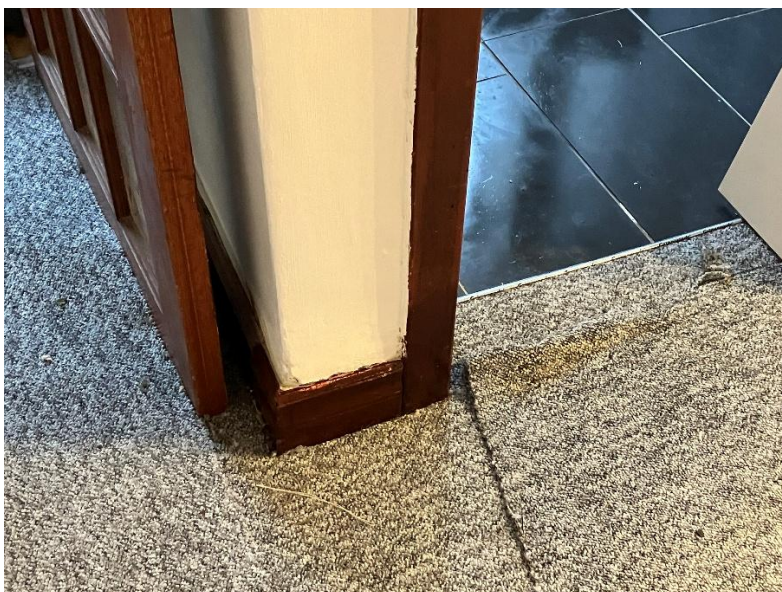
The landlord was required to:

1. Repair or replace the damaged beading in the hall.
2. Repair the damaged plasterwork in the hall and redecorate as necessary.

Site Observations:



31 July 2024



05 March 2025

The defective and “gnawed” beading has been removed and the timber skirting board reinstated. The former laminate hall floor covering has been replaced with fitted carpet.



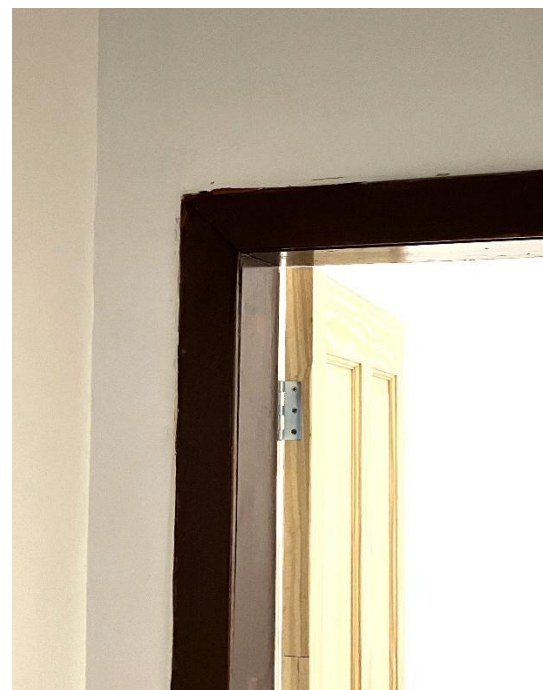
31 July 2024



5 March 2025



31 July 2024



5 March 2025

The damaged wall plaster in the hall has been renewed and the surrounding area redecorated.

Inspection Summary

In addition to completing those items listed in the Repairing Standard Enforcement Order the property has been extensively redecorated and upgraded, including the installation of replacement doors and new floor coverings throughout

During the initial inspection it was noted that the fitted smoke/heat detectors did not comply with current legislation. This was not included in the RSEO as it had not been specified in the original application to the Tribunal. Following the reinspection, I can confirm that appropriate and wholly compliant, inter linked smoke and heat detectors, have been installed.

Outstanding Repairs and items in RSEO:

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

Comments:

This re-inspection report should be considered as an appendix to the accompanying final Decision of the First-tier Tribunal for Scotland (Housing Property Chamber).

Donald Wooley MRICS
Ordinary Member
First-Tier Tribunal for Scotland
05 March 2024