

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**Statement of Decision: Housing (Scotland) Act 2006 Section 25(1)(b)**

**Chamber Ref: FTS/HPC/RP/23/1555**

**Title Number: AYR55023**

**Property at 95 Ranoch Place, Irvine, KA12 9NH ("the Property")**

**Parties:**

**Helen Allison, formerly of 95 Ranoch Place, Irvine, KA12 9NH ("the former Tenant") – No longer a party**

**David Lynn, 1 West Gateshead Cottages, Crosshouse, Kilmarnock, KA2 0BT ("the Landlord")**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

**Nick Allan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Repairing Standard Enforcement Order ("RSEO") dated 23 August 2023 should be revoked.**

**Background**

1. On 23 August 2023, the Tribunal issued an RSEO in relation to the property. The order stated that the work specified had to be completed within two months. The Tribunal then arranged a re-inspection of the property and notified the parties.
2. On 8 November 2023, the Landlord notified the Tribunal that he was no longer the landlord of the property. The scheduled re-inspection of the property was cancelled while enquiries were made. In response to a direction issued by the Tribunal, the Landlord sent a letter to the Tribunal

on 4 January 2024. He stated that he had been sequestered in November 2023 and that all his assets now belonged to his trustee. He provided his Trustee's contact details. The Tribunal contacted the Trustee who replied on 18 January 2024, providing a copy of the award of sequestration and a letter issued to the former tenant. The Trustee stated that the heritable creditor had called up the secured loan over the property and intended to recover possession and thereafter sell it. The Trustee stated that he had no liability for the property and the Landlord was still the landlord in the meantime.

3. A further re-inspection was arranged and then cancelled when the Tribunal was notified that the former tenant had vacated the property and ceased to be a party to the proceedings. The Landlord sent a further email to the Tribunal stating that he was not responsible for the property, did not collect rent or hold keys.
4. On 1 April 2025, a solicitor representing the heritable creditor made enquires about the status of the RSEO. On 2 April 2025, in response to a request for information, the Trustee confirmed that the property is not currently occupied by tenant, that the Trustee does not hold keys and that the heritable creditor had obtained decree for recovery of possession of the property. This was confirmed by the solicitor for the heritable creditor on 15 April 2025. The Tribunal was advised that the property is due to be marketed for sale.

### **Reasons for decision**

20. The Tribunal notes that the property is no longer occupied by a tenant. Furthermore, the Landlord is no longer able to let the property as it has been re-possessed and is to be sold by the heritable creditor. In the circumstances, the Tribunal is satisfied that the RSEO should be revoked as the work specified is no longer necessary.

### **Decision**

21. The Tribunal determined that the RSEO should be revoked.
22. The decision of the Tribunal is unanimous.

### **Right of Appeal.**

**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.

In witness whereof these presents typewritten on this and the preceding page are signed by Josephine Bonnar, Legal Member of the Tribunal at on 21 May 2025 before the undernoted witness.

**Gerard Bonnar**

Witness

Gerard Bonnar  
1 Carlton Place, Glasgow

**Josephine Bonnar**

Legal Member