

Housing and Property Chamber
First-tier Tribunal for Scotland



Statement of Decision: Section 25(1) of the Housing (Scotland) Act 2006: (the Act).

Chamber Ref: FTS/HPC/RP/23/0182

Flat 3/2, 14 Mount Pleasant Street, Greenock, PA15 4DD registered in the Land Register of Scotland under Title Number REN34612 (“the Property”)

The Parties:-

Samuel James Wright, current address unknown (“the former Tenant” and “the Applicant”)

Sofia Wellander, BRF Arsta Park Tvaakersgrand 3, Alvsjo, 12673 Sweden (“the Landlord”)

Corbett and Shields Ltd, 1 Ratho Street, Greenock, PA15 2BU (“the letting agent”)

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Ms Lori Charles, Chartered Surveyor (Ordinary Member) (“the tribunal”)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determines that the Repairing Standard Enforcement Order relative to the Property dated 9 July 2023 and subsequently varied should be further varied with effect from the date of service of this Notice as follows:-

The period allowed for the completion of the work required by the order is extended until 30 September 2025.

Background

1. The tribunal inspected the Property on 3 July 2023 and issued a Decision dated 9 July 2023. On 9 July 2023, the tribunal issued a repairing standard enforcement order (RSEO) in the following terms:

The Landlord will carry out, or arrange for others to carry out, repairs to the roof to ensure that there is no water ingress to the Property.

The Landlord was required to comply with the RSEO before 15th October 2023.

Reinspections and Variations of the RSEO

2. There were various reinspections as a consequence of which the tribunal varied the RSEO to give the Respondent more time to comply.
3. The most recent variation allowed the Landlord until 30 May 2025 to comply with the terms of the RSEO.

Reinspection and Variation of the RSEO June 2025

4. The tribunal inspected the Property on 6 June 2025. Ms McClarty of the letting agents was in attendance along with a contractor who had been involved in carrying out work to the Property. A copy of the reinspection report prepared by the ordinary member is attached. Since the previous inspection work had been carried out to the roof, including that of the adjoining tenement. It was noted that an inspection hatch had been created in the ceiling of the kitchen close to where the previous reinspection had found that there were high damp readings.
5. The ordinary member used a damp meter and it was observed that the reading indicated that there was evidence of continuing water ingress. Ms McClarty indicated the work which had been carried out to the roof, not only of the tenement of which the Property forms part, but also of the adjoining tenement. Ms McClarty and the contractor discussed what would be required to be done and they said that a drone survey would be instructed which would hopefully provide information to enable progress to be made to resolve the outstanding issue. Ms McClarty said that works would be done and she confirmed that these would probably involve work to the adjoining tenement.
6. The tribunal determined that the Landlord had made efforts to resolve the issue of water ingress and accepted that her letting agent had taken significant issues to resolve the situation. In all the circumstances, the tribunal determined that it was reasonable to vary the RSEO to give the Landlord more time to comply with the RSEO.

7. The tribunal determined that the RSEO would be varied to allow the Landlord to complete the works by 30 September 2025.

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.

M McAllister

**Martin J. McAllister, solicitor,
Legal Member of Tribunal.
18 June 2025**