



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

Decision: Section 43 Tribunals (Scotland) Act 2014 and Rule 39 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended

Chamber Ref: FTS/HPC/RP/24/0962

Re: Property at 48 Brown Street, Carluke ML8 5DT (“the Property”)

Parties:

**Michelle Clark, 48 Brown Street, Carluke ML8 5DY
 (“the Applicant”)**

**Noon Investment Homes Limited (Company number SC330168), 32 Douglas Street, Carluke ML8 5BJ
 (“the Respondents”)**

Tribunal Members:

Rory Cowan (Legal Member) and Nick Allan (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) on application of the Applicant refused to review its decision of 5 August 2025 on the basis that the request for a review was wholly without merit.

Background

1. The Tribunal issued a Repairing Standard Enforcement Order (“RSEO”) relative to the Property on 2 July 2024 following a decision that the Landlords had failed to comply with their duty under section 14(1)(b) of the 2006 Act. The RSEO required the Landlords to carry out works within two months of the date of the RSEO:
2. Following receipt of an application for variation by the Landlords dated 26 August 2024, the RSEO was varied on 3 September 2024 to the extent that the Landlords were allowed a further 28 days to complete the required works.
3. Following a re-inspection on 8 January 2025, and due to concerns regarding the safety of the electrical installations within the Property and therefore the accuracy of the Electrical Installation Condition Report (EICR) obtained previously by the

Respondents the RSEO was further varied in that paragraph 1 of same was amended on 22 January 2025 on the basis that the Tribunal would order its own electrical report and a further 28 days was allowed for that and any remaining works to be completed:

4. On 17 April 2025, following receipt of the electrical report arranged by the Tribunal, a further 28 days for work to be completed was allowed and paragraph 1 of the RSEO was further varied to require a specification of the intended works to the electrical installation to be produced for the Tribunal to consider for further orders.
5. A further reinspection was scheduled for 24 July 2025. At that reinspection it was noted that, whilst some works had been carried out to the Property, it was noted that:
 - The schedule of proposed works had not been received;
 - The issues with the floor plates in the hallway had not been fully resolved;
 - The required works to the kitchen had not been fully completed; and
 - The wooden hearth that had been installed in order to remediate part of the original RSEO was not in a reasonable state of repair.
6. On 5 August 2025 the Tribunal issued a decision that the Respondents had failed to comply with the requirements of the RSEO and issued a Rent Relief Order to the extent of 90% (the Decision). The Decision was intimated to the parties by email dated 8 August 2025.
7. Following the issuing of the Decision, the Respondents, through their representative, sent an email dated 22 August 2025, which stated that they were seeking to review the Decision. The email is as follows:

"In the interest of justice, the Respondent seeks **Review of the Rent Relief Order and Written Decision, both issued 8 August 2025.**

A Review is necessary as full cognisance of the difficulties faced by the Respondent in gaining access to the property, does not appear to have been fully taken into account.

A Statement in Support of the Review is attached.

This email is copied to directly to the other party, only so as to comply with Rule 39A(2)(a). No direct reply need be made, and indeed we suggest all communication be solely via HPC.

*A request that all cases currently before the HPC be conjoined, and dealt with as one, is restated. The case references are **FTS/HPC/RP/24/0962**, **FTS/HPC/CV/24/1437** and **FTS/HPC/RE/25/3175**. The same subject matter is being dealt with, and having different processes is not in the parties' interest nor of overall justice and expediency. EV and CV cases are commonly heard together, and thus conjoining of these matters should procedurally be possible."*

8. Attached to the said email was a statement from the Respondents which set out the difficulties they claimed to have had in gaining access and having workmen attend the Property, which they claim was as a result of the behaviour of the Applicant. They also enquired as to whether the Tribunal had considered whether some of the persisting problems may be “*caused by intentional damage*”. Due to the length of the statement, it will not be repeated herein.
9. The Applicant provided a response to this review request by email dated 28 August 2025. The response in the most part strayed into irrelevancies, but in essence denied the allegations made against her and that she had in any way prevented access or acted inappropriately to prevent or frustrate access or repairs being carried out.

Findings

10. The Tribunal, having considered the terms of the email and attachment dated 22 August 2025 and the Applicant’s response dated 28 August 2025 decided to refuse the request for a review of the Decision on the basis that it was wholly without merit in terms of Rule 39(3).

Reasons

11. The email of 22 August 2025 seeks a review of the Decision because of what is described as a failure to take “*full cognisance of the difficulties faced by the Respondent in gaining access to the to the property*”. The said email does not go as far as to suggest no account of such issues was taken. Such a statement had it been made would have been inaccurate in any event. Paragraph 7 of the Decision specifically addresses that issue including the Respondents’ request for the Tribunal to issue orders that it could not competently issue and what factors the Tribunal relied upon when determining no further variation of the RSEO to allow even more time for works to be completed would be granted. Accordingly, notwithstanding this statement the said email identifies no error in approach by the Tribunal in relation to the applicable law or the facts before it and is in essence a complaint that the Respondents do not agree with the Decision.
12. Whilst the email dated 22 August 2025 contains a request that all cases before the First-tier Tribunal be “cojoined” this is not a request that can be addressed in this decision on the application for review.
13. This Decision is not subject to appeal.

R Cowan

Legal Member/Chair

5 September 2025
Date

