

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 24 (1) of the Housing (Scotland) Act 2006.

Chamber Ref: FTS/HPC/RP/25/1652

Title no: AYR129125

131 Lomond Place, Irvine, KA12 9PF ('The House')

The Parties:-

Easton Property Newfield Ltd, 2 Newfield Drive, Dundonald, Kilmarnock, KA2 9EW ('the Landlord').

Mrs Gillian Murray residing at 131 Lomond Place, Irvine, KA12 9PF ('the Tenant').

Alister Meek, CHAP, 71 Princes Street, Ardrossan ('the Tenant's Representative')

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Nick Allan (Ordinary Member).

Background

1. The Tenant applied to the Tribunal for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ('the Act').

2. The application dated 17th April 2025 stated that she considered that the Landlord has failed to comply with his duty to ensure that the House meets the repairing standard. She advised that the House is not wind and water tight and in all other respects reasonably fit for human habitation and the structure and exterior of the House (including drains, gutters and external pipes) is not in a reasonable state of repair and proper working order.

In particular the application stated:-

2.1 There is a hole in the roof that is allowing water ingress and birds inside. The hole needs to be repaired.

2.2 The windows are in a poor condition and there is water trapped between the panes where the seals have failed. The latches on the windows are also in poor condition. The bathroom window is structurally failing and the and the tenant is concerned that the window may fall out of its frame. This needs to be examined and repaired. The windows need to be replaced.

2.3 There is an ant infestation in the living room. A tradesman who visited previously advised that the window ledge would need to be removed and inside the wall examined as they suspect this was the location of the nest but this has not been done. The source/ nest of the infestation needs to be investigated and dealt with to prevent reoccurrence.

3. On 13th May 2025, Josephine Bonnar, as Convenor of the First- tier Tribunal (Housing and Property Chamber), signed the Notice of Acceptance which stated that she had considered the application, comprising documents received on 17th April 2025, and she referred the application under Section 22 (1) of the Act to a Tribunal.

4. The Tribunal attended at the Property at 13.45 on 12th September 2025. The Landlords' Representative Mr Steven Easton and the Tenant were present at the inspection.

The Property is a mid terraced ex local authority property which dates from circa 1950.

The accommodation comprises three bedrooms, living room, kitchen and bathroom.

The Committee inspected the alleged defects and found:-

4.1 There is a hole in the roof that is allowing water ingress and birds inside. The hole needs to be repaired.

The roof had been repaired. The Tenant and Steven Easton confirmed that the repair had been carried out and the birds nest had been removed.

4.2 The windows are in a poor condition and there is water trapped between the panes where the seals have failed. The latches on the windows are also in poor condition. The bathroom window is structurally failing and the and the tenant is concerned that the window may fall out of its frame. This needs to be examined and repaired. The windows need to be replaced.

Lounge: The hinges of the window at the rear of the lounge had been repaired or replaced and were in proper working order.

The glass of the window at the front of the lounge was fogged.

Kitchen: The hinges of the two windows in the kitchen had been repaired or replaced and they were in proper working order.

Bathroom: The hinges and frame of the bathroom window were broken.

Front bedroom (facing the communal grass area). The window frame and hinges were broken.

4.3 There is an ant infestation in the living room. A tradesman who visited previously advised that the window ledge would need to be removed and inside the wall examined as they suspect this was the location of the nest but this has not been done. The source/ nest of the infestation needs to be investigated and dealt with to prevent reoccurrence.

There was no evidence of an ant infestation at the inspection.

Photographs were taken during the inspection and are attached as a Schedule to this report.

5. The Hearing.

Following the inspection of the Property the Tribunal held a hearing at 3.30 pm at Ardeer Community Centre, Shore Road, Stevenston, KA20 3NB. The Landlords' Representative Mr Steven Easton attended the hearing. The Tenant's Representative Mr Meek also attended.

In respect of the matters in the application Mr Easton advised that the front lounge window, the bathroom window and the front bedroom window will be replaced. He had placed an order for replacement windows with the company Andrew Wright but unfortunately, they have gone out of business. He has placed another order with another company and he hopes that the replacement windows will be installed within the next four weeks. He acknowledged that there was no evidence of an ant infestation at the inspection and explained that when the lounge window is removed he will ask the contractor to investigate whether there is evidence of any ant infestation within the wall cavity.

Mr Meek acknowledged that the outstanding matters were the replacement of the three windows referred to by Mr Easton and the ant infestation.

6. Decision.

6.1 The Tribunal were satisfied that the roof, the rear lounge window and kitchen windows had been satisfactorily repaired.

6.2 The Tribunal were unable to make a finding in relation to the ant infestation detailed in the application as there was no evidence of the infestation at the inspection.

6.3 The Tribunal found that the fogged glass of the front lounge window, the broken hinges and frames of the bathroom window and the front bedroom window result in them not being in a reasonable state of repair and in proper working order (Section 13(1) (b) of The Housing (Scotland) Act 2006).

6.4. The Tribunal accordingly determined that the Landlord had failed to comply with the duty imposed by Section 13(1)(b) of the Act, as stated.

6.5. The Tribunal proceeded to make a Repairing Standard Enforcement Order as required by section 24(1).

6.6. The decision of the Tribunal was unanimous.

Appeal

7. 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

Chairperson

25th September 2025

Housing and Property Chamber

First-tier Tribunal for Scotland



Inspection Photograph Schedule 131 Lomond Place, Irvine KA12 9PF

Case Reference: FTS/HPC/RP/25/1652

Date of inspection: 12/09/2025

Time of inspection: 14.00 am

Weather conditions: Dry and sunny

Present: Mrs Jacqui Taylor – Legal Member
Mr Nick Allan – Ordinary Member
Mr Stephen Easton – Landlord
Mrs Gillian Murray - Tenant



Photo 1 – Front elevation



Photo 2 – Rear elevation



Photo 3 – Failed Lounge window glazing



Photo 4 – Fogged glazing cavity in Lounge window



Photo 5 – Life-expired front Bedroom window



Photo 6 – Life-expired Bathroom window



Photo 7 – Heat detector in kitchen



Photo 8 – Smoke detector on Landing



Photo 9 – Recent roof repair

Inspection Note

1. The Tribunal noted the presence of fully functioning interconnected smoke detectors/heat sensor.
2. At the date of the Inspection there was no evidence of an ant infestation in the property.

Nick Allan FRICS
Surveyor – Ordinary Member
First-tier Tribunal for Scotland
(Housing and Property Chamber)
24th September 2025