

# **Housing and Property Chamber**

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

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

**22E Fullarton Street, Kilmarnock, KA1 2QT, registered in the Land Register of Scotland under title number AYR58162 ( "the Property")**

**Case Reference FTS/RP/25/3484**

**Miss Jennifer Bauld, formerly 22E Fullarton Street, Kilmarnock, KA1 2QT ("The Applicant" and The Former Tenant")**

**Mr Douglas Johnston and Mrs Nicola Johnston, 98 Station road, Wombourne, WV5 9EN ("The Landlord")**

**Lime Green, 14 The Cross, Prestwick, KA9 1AJ (the Landlord's Representative")**

**Tribunal Members:**

**Mr Martin McAllister, Solicitor (Legal Member) and Mr Donald Wooley, Chartered Surveyor (Ordinary Member) ("the tribunal")**

### **NOTICE TO**

**Mr Douglas Johnston and Mrs Nicola Johnston**

Whereas in terms of their decision dated 17 December 2025, the First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) determined that the Landlord has failed to comply with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006, the tribunal now makes a repairing standard enforcement order (RSEO) in the following terms and requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard in terms of Section 13 of the said Act and that any damage caused by the carrying out of any work in terms of this Order is made good.

**The tribunal determined to make a RSEO in the following terms:**

- 1. Reinstate the bottom stair tread leading to the upper floors, ensuring that it is level, in a reasonable state of repair and does not represent a trip hazard.**
- 2. Replace broken window pane at rear facing window at the common stairwell**
- 3. Repair and reinstate section of missing ceiling plaster above the stairwell in the common access close ensuring that it is in a reasonable state of repair.**

**The Landlord requires to comply with the RSEO by 31 January 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.

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.

**Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.**

In witness whereof these presents typewritten on this and the preceding page are executed by Martin Joseph McAllister, legal member of the First-tier Tribunal for Scotland at Saltcoats on 17 December 2025

# M McAllister