

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Determination: Housing (Scotland) Act 2006: Sections 26 and 27

Chamber Ref: FTS/HPC/RP/25/0410

G/L, 57 Gateside Street, Largs, North Ayrshire, KA30 9HS registered in the Land Register of Scotland under title number AYR62734 (“the Property”)

The Parties:-

Mr Derrick McClure, G/L, 57 Gateside Street, Largs, Ayrshire, KA30 9HS (“the Applicant,” “the Respondent” and “the Former Tenant”)

Mr Robert Maxwell, MX Financial Services, 6 Waterside Street, Largs, KA30 9LN (“the Respondent” and “the Landlord”)

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Mr Nick Allan, Chartered Surveyor (Ordinary Member) (“the tribunal”)

- (i) The tribunal determines that the Landlord has complied with the repairing standard enforcement order dated 10 June 2025.**
- (ii) The tribunal determines to issue a certificate in terms of section 60 (5) of the Housing (Scotland) Act 2006.**

Background

- 1. By application dated 21 January 2025, the Applicant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland 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 as amended (“the 2006 Act”). The application is in terms of Section 22 (1A) of the 2006 Act.**
- 2. The Applicant and the Respondent were parties to a private residential tenancy agreement.**

3. The tenancy commenced on 11 July 2020.

Repairing Standard Enforcement Order

4. Following upon an inspection of the Property by the members and a Hearing both held on 29 May 2025, a repairing standard enforcement order (RSEO), dated 10 June 2025, was made in the following terms:

The Landlord is required to carry out the following works:

- 4.1 **Ensure that there is a functioning light in the close so that it allows safe access to the Property.**
- 4.2 **Repair or replace the front door of the Property to ensure that it is secure and has a functioning deadlock.**
- 4.3 **Repair uneven flooring throughout the Property.**
- 4.4 **Ensure that carpeting throughout the Property is properly fitted.**
- 4.5 **Make good the décor around electrical sockets and the shower switch.**
- 4.6 **Replace the detached section of tiling in the bathroom.**
- 4.7 **Make good the missing coving and gap in the wall of the bedroom.**
- 4.8 **Make good the wall under the bedroom window and properly attach the radiator to the wall.**
- 4.9 **Make good the exposed stonework and lath and plaster in the bedroom cupboard to ensure that no dampness or water ingress is possible.**
- 4.10 **Replace or repair the living room door to ensure that it fits the door frame and does not have a missing pane of glass.**
- 4.11 **Investigate and eradicate the dampness in the living room.**
- 4.12 **Re-attach the skirting board in the living room.**
- 4.13 **Replace the light fitting in the bathroom with one that is safe and compliant with regulations.**
- 4.14 **Make good any defects in décor caused by carrying out repairs to the Property.**
- 4.15 **Make good defects in décor caused by historic water ingress.**

The Landlord was required to carry out the work required by the RSEO before 30 October 2025.

Termination of the tenancy

5. Subsequent to the making of the RSEO, the tenancy was terminated when the Applicant vacated the Property.

Re-inspection

6. The members of the tribunal reinspected the Property on 16 December 2025.
7. The Landlord was present.
8. The Ordinary Member of the tribunal prepared a schedule of photographs which is attached to this decision and is referred to for its terms.
9. Prior to the reinspection, the Landlord submitted various invoices and documents relating to work which had been carried out in the Property.
10. A new front door had been installed which had a glass panel in it. The lock is functioning.
11. The flooring throughout the Property was even.
12. Carpeting throughout the Property is properly fitted.
13. Décor throughout the Property and, in particular, around electrical sockets and the shower switch is satisfactory.
14. The tiling in the bathroom is in a satisfactory condition.
15. The coving in the bedroom has been replaced and there is no gap.
16. The radiator in the bedroom is properly fixed to the wall and appropriate repairs have been made to the wall.
17. There is no exposed stonework in the cupboard in the bedroom and there is no evidence of water ingress or dampness.
18. The living room door is in a satisfactory condition, there is no gap and its glazing is intact.
19. There is no evidence of dampness in the living room.
20. The skirting board in the living room has been fixed to the wall.
21. The light fitting in the bathroom has been replaced with an appropriate fitment.
22. The light in the close is not functioning.

Determination following upon the re-inspection on 16 December 2025

23. The members of the tribunal were satisfied that the works required by the RSEO had been completed to a satisfactory standard.
24. There was an issue with the non-functioning close light. The Landlord said that his electrician was unsure about the electrical supply to the light fitting which would originally have been common. The tribunal noted the design of the replacement front door and was satisfied that its design allowed light from the Property to illuminate the close to enable safe access to the Property
25. The tribunal determined that it should issue **a certificate in terms of Section 60 (5) of the 2006 Act.**

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

M J McAllister

Martin J. McAllister,
Solicitor, legal member of
Tribunal.
8 January 2026.

Housing and Property Chamber
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Re-inspection Photograph Schedule
Ground floor left Flat, 57 Gateside Street, Largs
KA30 9HS

Case Reference: FTS/HPC/RP/25/0410

Date of inspection: 16/12/2025

Time of inspection: 10.30 am

Weather conditions: Bright and dry

Present: Mr Martin McAllister – Legal Member
Mr Nick Allan – Ordinary Member
Mr Robert Maxwell – Landlord



Photo 1 – Front elevation



Photo 2 – New access door and working lock/handle



Photo 3 – Loose flooring in Lounge now secured

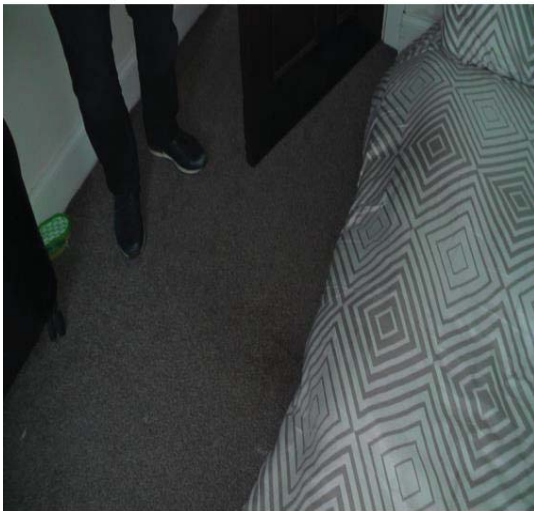


Photo 4 – Loose flooring in Bedroom now secure

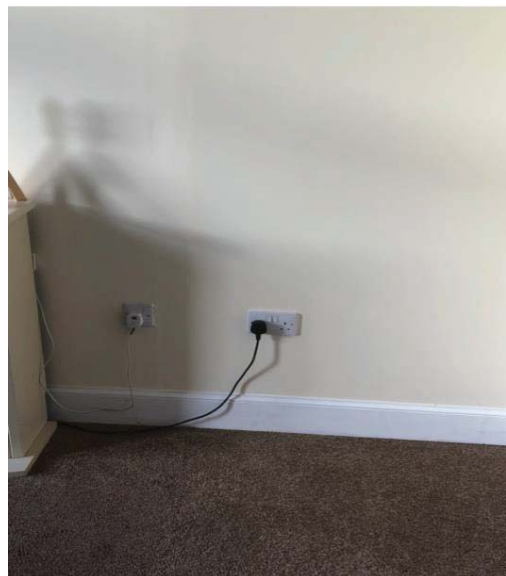


Photo 5 – Fresh décor around sockets/switches



Photo 6 – Bathroom tiling reinstated throughout



Photo 7 – New section of coving in Bedroom



Photo 8 – Bedroom wall under window repaired



Photo 9 – Radiator now secured to wall



Photo 10 – Original inspection photograph



Photo 11 – Cupboard now timber-lined



Photo 12 – Original inspection photograph



Photo 13 – Exposed wall sections now boxed-in



Photo 14 – Properly fitted/fully glazed door



Photo 15 – New built-out internal gable wall



Photo 16 – Re-attached skirting board in Living room



Photo 17 – Appropriate light fitting in Bathroom

Inspection notes

1. The Tribunal noted that the replacement door into the flat now incorporates a glazed section, providing sufficient natural light and illumination from the ceiling light in the hallway, to allow safe access to the property.

2. The Tribunal noted that the carpeting throughout the property is adequately fitted.
3. The Tribunal noted that the previously exposed pipework and external wall stonework within the Bedroom cupboard was now completely boxed-in. At the time of the re-inspection no dampness was detected.
4. The Tribunal noted that the internal gable wall in the Living room had been framed and built-out by approximately 30cm to create a new wall surface. At the time of the re-inspection no dampness was detected.
5. The Tribunal noted that the flat had been re-decorated to an adequate standard, and there was no longer any decorative evidence of historic water ingress at the time of the re-inspection.

Nick Allan FRICS
Surveyor – Ordinary Member
First-tier Tribunal for Scotland
(Housing and Property Chamber)
7th January 2026