

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

106 Carron Place, Irvine, North Ayrshire, KA12 9NE, registered in the Land Register of Scotland under title number AYR13282 (“the Property”)

Case Reference FTS/HPC/RP/25/1678

Ms Shona Alexander (deceased), formerly 106 Carron Place, Irvine, North Ayrshire, KA12 9NE (“The Applicant” and The Former Tenant”)

Mr Robert Hall, 29 Goukscroft Park, Ayr, South Ayrshire, KA7 4DS (“The Landlord”)

Mrs Gwendolyn Hall, 29 Goukscroft Park, Ayr, South Ayrshire, KA7 4DS (“Interested Party”)

106 Carron Place, Irvine, KA12 9NE, registered in the Land Register of Scotland under title Number AYR13282 (“the Property”)

Tribunal Members – Martin McAllister (Legal Member) and Donald Wooley (Ordinary Member)

Tribunal Members:

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

- (i) The tribunal determines that the Landlord has complied with the repairing standard enforcement order dated 12 October 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 17April 2024, 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 application was accepted for determination on 13 May 2025.
3. The Applicant and the Respondent were parties to a short assured tenancy agreement dated 29 October 2015.
4. Subsequent to the submission of the Application, the Tribunal was advised that the Applicant had died on 22 May 2025.
5. The tenancy was brought to an end upon the death of the Applicant and accordingly, under Schedule 2, Paragraph 7(1) of the 2006 Act, the application was treated as having been withdrawn under Section 22(1) of the 2006 Act.
6. The tribunal considered the application in terms of Schedule 2, Paragraph 7 (3) of the 2006 Act and decided to continue to determine it.
7. The tribunal issued a Minute of Continuation dated 24 September 2025 and this was intimated to the Landlord.

Repairing Standard Enforcement Order

8. Following upon an inspection of the Property by the members and Hearing both held on 8 October 2025, a repairing standard enforcement order (RSEO), dated 18 January 2025, was made in the following terms:

The Landlord is required to carry out the following works:

9. **The Landlord is to repair or replace the defective living room window and ensure that it is in a reasonable state of repair, in proper working order and wind and watertight.**
10. **The Landlord is required to produce a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to confirm that the installation is “satisfactory,” has appropriate RCD protection wholly compliant with the repairing standard and has no recommendations in the C1 or 2 category or F1 items for further investigation. The EICR should include confirmation that all power sockets, including the fitting in the under sink cupboard, and lighting fittings, have been tested and found to be in satisfactory working order. The EICR should confirm that the Property complies with current Scottish Government guidance in relation to interlinked fire detection devices and a heat alarm in the Property.**

- 11. The Landlord is required to provide an up to date Gas Safety Certificate from a Gas Safe Registered Engineer addressing the working order, condition and safety of any gas installation and gas appliances; and the certificate should also address whether there is a carbon monoxide alarm within the Property which complies with statutory guidance.**
- 12. The Landlord is to repair or renew the front door and or surrounding frame, of the Property to ensure that it is functioning and is wind and watertight.**
- 13. The Landlord is to repair or replace the kitchen floor covering and ensure that no part of it constitutes a trip hazard.**
- 14. The Landlord is to repair the window pane in back bedroom 1.**
- 15. The Landlord is to repair the radiator in back bedroom 1.**

The Landlord was required to comply with the RSEO by 7 December 2025.

Re-inspection

16. The members of the tribunal reinspected the Property on 12 December 2025.
17. The Landlord was present and access was allowed by Mr Alexander, who currently resides in the Property.
18. The Ordinary Member of the tribunal prepared an inspection report which is attached to this decision and is referred to for its terms.
19. The Landlord submitted an EICR dated 7 December 2025 and a Gas Safety Certificate dated 11 July 2025.
20. A new kitchen had been installed and the kitchen floor had been replaced.
21. The window in the living room had been repaired.
22. The window and the radiator in bedroom 1 had been repaired.
23. The external door had been repaired.

Determination following upon the re-inspection on 12 December 2025

- 24. The members of the tribunal were satisfied that the works required by the RSEO had been completed to a satisfactory standard.
- 25. The members of the tribunal were satisfied that the EICR and Gas Safety Certificate were in acceptable terms.
- 26. 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.
16 December 2025.

Housing and Property Chamber

First-tier Tribunal for Scotland



First-Tier Tribunal for Scotland (Housing and Property Chamber) Re-inspection report



Property 106 Carron Place, Irvine, KA12 9NE

Ref No: FTS/HPC/RP/25/1678

Surveyor: Donald Wooley MRICS

Previous inspection

The subject property was previously inspected on 8 October 2025 by the First-tier Tribunal for Scotland (Housing Property Chamber). Following the inspection, and subsequent hearing a Repairing Standard Enforcement Order (RSEO) was issued by both email and by post.

Access:

A re-inspection of the subject property was arranged for Friday 12 December 2025 at 2.30 pm.

I arrived at the property at 2.15 pm accompanied by Mr Martin McAllister the legal member of the Tribunal.

Access to the property was provided by the current tenant, Mr Alexander. The landlord, Mr. Robert Hall, was present throughout the re-inspection.

Weather conditions at the time of the inspection were dry cold and sunny.

Both Tribunal members left the property at 2.50 pm

Purpose of re-inspection

The purpose of this re-inspection was to determine if the required works as detailed under the Repairing Standard Enforcement Order had been completed.

Work required under the Repairing Standard Enforcement Order (RSEO):

1. The Landlord is to repair or replace the defective living room window and ensure that it is in a reasonable state of repair, in proper working order and wind and watertight.
2. The Landlord is required to produce a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to confirm that the installation is "satisfactory," has appropriate RCD protection wholly compliant with the repairing standard and has no recommendations in the C1 or 2 category or F1 items for further investigation. The EICR should include reference to all power sockets, including the fitting under the sink cupboard, and lighting fittings having been tested and found to be in satisfactory working order. The EICR should confirm that the Property complies with current Scottish Government guidance in relation to interlinked fire detection devices and a heat alarm in the Property.
3. The Landlord is required to provide an up to date Gas Safety Certificate from a Gas Safe Registered Engineer addressing the working order, condition and safety of any gas installation and gas appliances; and the certificate should also address whether there is a carbon monoxide alarm within the Property which complies with statutory guidance.
4. The Landlord is to repair or renew the front door of the Property to ensure that it is functioning and is wind and watertight.
5. The Landlord is to repair or replace the kitchen flooring and ensure that no part of it constitutes a trip hazard.
6. The Landlord is to repair the window pane in back bedroom 1.
7. The Landlord is to repair the radiator in back bedroom 1.

Site Observations



Living room window 8 October 2025



Living room window 12 December 2025



Living room window 12 December 2025
New fitted hinge has been installed.

As viewed from within, when in the closed position, the window is now fully functional, wind and watertight and a new operating hinge has been fitted.



Front door 8 Oct 2025



Fitted draft excluder front door 12 Dec 2025

As viewed from within, when in the closed position, the front door is now fully functional, wind and watertight with no visible daylight evident. A new operating draft excluder attached to the frame and highlighted in red, has been fitted.



Kitchen floor covering 8 Oct 2025



Kitchen floor covering 12 Dec 2025

The kitchen floor covering has been renewed and at the date of reinspection was protected by a temporary cardboard covering. In addition to the floor covering the landlord as replaced the kitchen units and installed a new oven.



8 October 2025.



12 December 2025

The previously cracked double glazed fitting at back bedroom (1) has been replaced and is now fully functional.



8 October 2025



12 December 2025

The side panel at the back bedroom (1) remains loose although the previously leaking valve at the radiator has been renewed with a modern fully functional thermostatically controlled replacement.

Electrical Installation Condition Report (EICR)

At the re-inspection, the landlord supplied the Tribunal with a copy of an EICR dated 11 December 2025, prepared by T Walsh electrical contractors who are SELECT. The report classed the installation and apparatus as "Satisfactory" with no category C1, C2 or F1 defects and the Tribunal confirmed that there is appropriate RCD protection.



Electrical consumer unit/switch gear 12 December 2025



Enclosed cooker control unit recently fitted and located in kitchen

Outstanding Repairs and items in RSEO:

There are no outstanding repairs or other items in relation to the RSEO.

Comments:

This report should be considered as an appendix to the Decision issued by the First-tier Tribunal for Scotland (Housing Property Chamber) following the reinspection of the property on 12 December 2025.

Donald Wooley MRICS
Ordinary Member
First-Tier Tribunal for Scotland
15 December 2025