

# **Housing and Property Chamber**

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

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

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

**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 Representaative”)**

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

- (i) The tribunal determines that the Landlord has complied with the repairing standard enforcement order dated 7 December 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 12 August 2025, the Applicant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland for a determination of whether the Landlord had 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 was in terms of Section 22 (1A) of the 2006 Act.
2. The application was accepted for determination on 25 September 2025.
3. The Applicant and the Respondent were parties to a private residential tenancy agreement.

4. Subsequent to the submission of the Application, the Tribunal was advised that the tenancy had terminated.
5. The tribunal issued a Minute of Continuation dated 23 November 2025 and this was intimated to the Landlord.

### **Repairing Standard Enforcement Order**

6. Following upon an inspection of the Property by the members and Hearing both held on 12 December 2025, a repairing standard enforcement order (RSEO), dated 17 December 2025, was made in the following terms:

#### **7. The tribunal determined that the Landlord was required to:**

- 7.1 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.**
- 7.2 Replace a broken window pane at rear facing window of the common stairwell.**
- 7.3 Repair and reinstate the 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 was required to comply with the RSEO by 31 January 2025.**

8. The letting agent intimated that the necessary work had been carried out and the members of the tribunal reinspected the Property on 22 December 2025.
9. Ms Laurie Weir of Lime Green was in attendance.
10. The Ordinary Member of the tribunal prepared a reinspection report with accompanying photographs which is attached to this decision and is referred to for its terms.
11. The previously defective stair tread has been repaired and overlaid with a suitably constructed timber treader.
12. The glass window pane on the rear stairwell window has been replaced.
13. The previously defective ceiling above the stairwell had been enclosed with plasterboard.

### **Determination following upon the re-inspection on 22 December 2025**

14. The members of the tribunal were satisfied that the works required by the RSEO had been completed to a satisfactory standard.

15. 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 McAllister

Martin J. McAllister,  
Solicitor, legal member of  
Tribunal.  
22 December 2025.

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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



Front Elevation

**Property** 22 E Fullarton Street, Kilmarnock

**Ref No:** FTS/HPC/RP/25/3484

**Surveyor:** Donald Wooley MRICS

#### **Previous inspection**

The subject property was previously inspected on 12 December 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 Monday 22 December 2025 at 9.00 am.

I arrived at the property at 8.50 am accompanied by Mr Martin McAllister the legal member of the Tribunal.

Access to the property was provided by Ms Laurie Weir of Lime Green Letting Agents.

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

Both Tribunal members left the property at 9.15 am

### **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. 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
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

### **Site Observations**



12 December 2025



22 December 2025





12 December 2025



22 December 2025

The previously defective bottom stair tread has now been repaired and overlaid with a suitably constructed timber treader

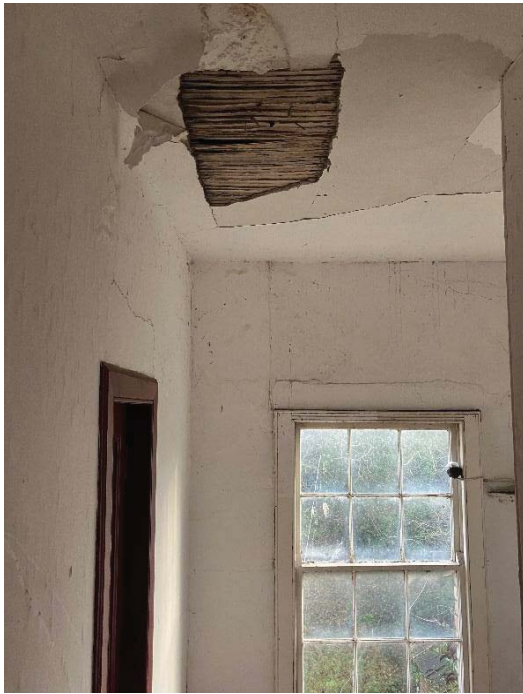


12 December 2025



22 December 2025

The previously broken glass window pane on the rear stairwell wall has now been replaced.



12 December 2025



22 December 2025

The previously exposed lath and plaster ceiling above the stairwell has now been enclosed with plasterboard,

**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/Certificate of Completion issued by the First-tier Tribunal for Scotland (Housing Property Chamber) following the reinspection of the property on 22 December 2025.

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