

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Section 25 of the Housing (Scotland) Act 2006**

**Reference number: FTS/HPC/RP/24/4721**

**Re: Property at Flat 5/3, 19 Ashgrove Road. Glasgow G40 4AL (registered under title number GLA205819) ("Property")**

**The Parties:**

**Stephen Higgins and Joanne Higgins, Flat 5/3, 19 Ashgrove Road. Glasgow G40 4AL ("Tenant")**

**Link Housing Association Ltd t/a Curb Lettings, 2C New Mart Road, Edinburgh EH14 1RL ("Landlord")**

**Tribunal Members :**

**Joan Devine (Legal Member); Nick Allan (Ordinary Member)**

### **DECISION**

The Tribunal determined that the period of time for completion of the works set out in the Repairing Standard Enforcement Order ("RSEO") dated 21 July 2025 should be extended to 16 March 2025.

### **Background**

The Tribunal issued a decision dated 21 July 2025 requiring the Landlord to comply with the RSEO relative to the Property issued by the Tribunal on the same date. The RSEO required the Landlord to:

1. Deliver to the Tribunal for approval a specialist report from a suitably qualified independent structural engineer or architect to address the cause of the excessive noise and vibration in the roof space above the Property possibly caused by wind penetration, air pressure or roof flexing and recommend specified works to be undertaken to resolve the excessive noise and vibration within the Property in order to make the Property wind and watertight and comply with the repairing standard.
2. Deliver to the Tribunal for approval a specialist report from a suitably qualified window specialist reviewing the options that could realistically be deployed to prevent excessive draughts and noise from the trickle vents above the roof terrace door frame.

3. Once satisfactory reports have been approved by the Tribunal, to carry out such work as is recommended in terms of the reports provided the Tribunal confirm their approval of the works specified.

The Tribunal ordered that the works specified in the order must be carried out and completed within the period of 12 weeks from the date of service of the RSEO.

On 24 September 2025 the Landlord lodged a report from DO Architecture regarding part 1 of the RSEO. On 17 November 2025 the Landlord lodged a report from NorDan in respect of part 2 of the RSEO in which they stated that as the product was not the issue they could not comment on what works may be required. The Landlord told the Tribunal that an independent architect had recommended further investigative works. On 3 December 2025 the Tenant lodged video evidence taken within the Property. On 3 December 2025 the Landlord lodged an addendum to the report issued by DO Architecture.

### **Reinspection**

A re-inspection of the Property was carried out on 16 January 2026 and was to be followed by a hearing at Glasgow Tribunals Centre. Joanne Higgins was present at the reinspection as was Emma Sharp, Laura Malcolm and Brian Abercromby of the Landlord. Mrs Higgins explained that she was unable to attend the hearing scheduled to take place later that day. All parties present agreed to have a discussion regarding the works carried out at the Property.

Emma Sharp and Brian Abercromby told the Tribunal that the architect had recommended works which were then carried out over a period of 7 days. Hatches were cut in the ceiling in the living room, bathroom and bedroom. Access to the roof space was also gained via the permanent hatch in the hall cupboard. Mrs Higgins said the work was carried out between 17 and 21 November 2025. She said that she and her family were decanted to another property during the works. Mr Abercromby said that the work carried out involved securing cables, trays and ventilation ducting. He said that everything in the roof space had been secured. Mrs Higgins said that the noise had not diminished following the works and remained a problem. She said there also seemed to be a new noise which was concentrated above the wall between the two bedrooms. She said that the light fittings were no longer shaking. Emma Sharp told the Tribunal that the architect was asked to review and recommend further works. That resulted in Mactaggart and Mickel inspecting the roof and securing loose cabling around the solar panels. The architect suggested that if that did not resolve the issue the only other thing they could suggest was for covers / cowls to be put over the external ventilation ducts to deflect gusting wind from a certain direction.

As regards the trickle vents, Mr Abercromby explained that the plasterboard had been removed and the vents re-fitted. Mrs Higgins said she could not tell if that had resolved the issue due to noise coming from the other window in the living room. This window was not part of the application. Laura Malcolm told the Tribunal that a contractor was to review the second window and repair as necessary.

Emma Sharp explained that the securing of the cables around the solar panels had only been carried out recently and Mrs Higgins could not confirm whether that had resolved the issue.

### **Reasons for Decision**

The Tribunal determined to vary the RSEO by extending the time period for completion of the works to 16 March 2025 to allow the Parties to determine whether or not the works carried out had resolved the issues identified in the application.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (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.**

**Joan Devine**

**J. Devine  
Legal Member  
16 January 2026**

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Variation of Repairing Standard Enforcement Order: Housing (Scotland) Act 2006 Section 24 (2)**

**Reference number: FTS/HPC/RP/24/4721**

**Re: Property at Flat 5/3, 19 Ashgrove Road. Glasgow G40 4AL (registered under title number GLA205819) (“Property”)**

**The Parties:**

**Stephen Higgins and Joanne Higgins, Flat 5/3, 19 Ashgrove Road. Glasgow G40 4AL (“Tenant”)**

**Link Housing Association Ltd t/a Curb Lettings, 2C New Mart Road, Edinburgh EH14 1RL (“Landlord”)**

**Tribunal Members :**

**Joan Devine (Legal Member); Nick Allan (Ordinary Member)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) having determined on 16 January 2026 that the **RSEO** relative to the House dated 21 July 2025 should be varied, the said **RSEO** is **hereby varied** with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended to Friday 16 March 2026.

Subsection 25(3) of the Housing (Scotland) Act 2006 as amended does not apply in this case.

**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.**

In terms of Section 63 of the Act, 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 type written on this and the preceding page are executed by Joan Devine, Legal Member of the Tribunal at Glasgow on 16 January 2026 in the presence of this witness :

# Joan Devine

Legal Member