

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Decision: Section 60 (5) (b) of the Housing (Scotland) Act 2006 (“the 2006 Act”)

Anna Burns, 16C Winton Street, Ardrossan, KA22 8JF (“the Applicant” and “the former tenant”)

Andrea Gibson, CHAP, Michael Lynch Centre, 71 Princes Street, Ardrossan, North Ayrshire, KA22 8DG (“the Applicant’s Representative”)

LHP Solutions Ltd, 2nd Floor, 48 West George Street, Glasgow, G2 1BP (“the Respondent” and “the former owner”)

Mila Homes Limited (10827572), 80 Compair Crescent, Ipswich, Suffolk, IP2 0EH (“the current owner”)

Tribunal Members:

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

Decision

The tribunal determined to certify that the work required by a repairing standard order (RSEO), dated 20 June 2024 and issued in terms of Section 24 (2) of the 2006 Act, has been complied with.

Background

1. By application dated 9 February 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. On 15 February 2024, a Notice of Acceptance was issued by a legal member of the Tribunal acting under delegated powers of the Chamber President.

Inspection and Hearing 12 June 2024

3. The tribunal inspected the Property on 12 June 2024 and a hearing took place on the same date.
4. The tribunal determined that a repairing standard enforcement order be made in the following terms:

The Landlord was required to:

- 4.1 **Produce to the Tribunal a current Gas Safety Certificate for the Property prepared by a suitably qualified gas engineer registered in the Gas Safe Register.**
- 4.2 **Investigate and remedy the dampness in the floorboards at left hand bedroom window**
- 4.3 **Repair or renew the defective window in the left hand bedroom to ensure that it is in good and efficient working order and that there are no gaps between the window frame and the window sill.**
- 4.4 **Ensure that the rainwater goods are clear of vegetation and allow water from the roof to drain away.**
- 4.5 **Ensure that there is adequate ventilation in the kitchen which is safely accessible and able to be used.**
- 4.6 **Ensure that the kitchen window is wind and watertight.**
- 4.7 **Repair or renew the defective and missing banisters in the common stairway.**

Reinspection 10 October 2024

5. The members of the tribunal inspected the Property on 10 October 2024. The Applicant was present and was supported by Ms Julie Baillie. The Landlord was not present.
6. A Re-inspection report, prepared by the ordinary member was prepared and it was determined that, although some works has been undertaken, there were outstanding matters and the Property did not meet the repairing standard. The tribunal determined that the Respondent had not complied with the RSEO.

Change in Ownership and termination of tenancy

7. It was intimated to the Tribunal that the tenancy had terminated. The Applicant and the Applicant s Representative had no further locus with regard to the application.
8. It appears that the Property was sold to Darren Green, who subsequently sold it to the current owner. The Title Sheet discloses that the ownership of Mila Homes Limited commenced on 10 December 2025.

Reinspection 17 February 2026

9. The current owner requested that the Property be reinspected. The tribunal inspected the Property on 17 February 2026.
10. The Property was unoccupied and access was afforded by Louise Latham of Smart Property Lets, the letting agent of the current owner. Mr Darren Green, who owned the Property immediately prior to the current owner, was in attendance. It appeared that he had undertaken some works to the Property prior to its sale to the current owner and appeared to have some contractual relationship with the current owner regarding compliance with the RSEO.
11. A report prepared by the ordinary member is attached and is referred to for its terms. This report details the work completed and that, at the time of the reinspection, some work required by the RSEO was still outstanding. In particular, the ventilation issue in the kitchen had not been addressed and the banister in the common stairwell was incomplete.
12. Subsequent to the inspection, photographic evidence was provided which confirmed that a mechanical extractor fan had been installed in the kitchen and the staircase banister had been extended.

Discussion and Determination

13. The tribunal determined that, based on its reinspection and the information subsequently provided, the RSEO had been complied with.

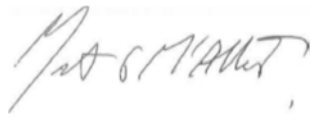
NOTE

14. The tribunal observed that there was still a gap between the left hand bedroom window and the window sill. A responsible landlord should attend to this.
15. It was noted that, at the time of the reinspection, a smoke detector in the Property was indicating that a battery had failed. It was also noted that the Carbon monoxide alarm was not installed in accordance with current guidance. The current owner should ensure that the smoke, heat and carbon monoxide detectors are compliant with Scottish Government regulations.

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.

A handwritten signature in black ink, appearing to read "Martin J. McAllister". The signature is written in a cursive style with a large initial 'M'.

Martin J. McAllister,
Legal Member
16 March 2026