

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

STATEMENT OF DECISION in respect of an application under Section 24 (1) of the Housing (Scotland) Act 2006 (“the Act”) and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Reference number: FTS/HPC/RP/17/0131

Land Register Title number AYR32145

Property ; flat ground right situated at and known as 10 Avenue Street Stewarton, Ayrshire KA3 5AP (the property)

The parties

East Ayrshire Council, Private Sector Housing Unit, Civic Centre North, John Dickie Street , Kilmarnock KA1 1HW (“the third-party applicant”)

Brian Green residing at 3 MacPhail Drive, Kilmarnock KE3 7EL (“the landlord”)

Tribunal Members: James Bauld (Chairman) and Donald Wooley (Ordinary Member)

Background

1. By application initially lodged on 4 April 2017 the third party applicants made an application to the First Tier Tribunal (Housing and Property Chamber) indicating that they believed that the respondent who is the landlord of the property was failing to comply with the duty imposed on her by section 14 (1) (b) of the Housing Scotland Act 2006 (hereinafter referred to as “the 2006 Act”). They complained that the property did not meet the repairing standard set out in the 2006 Act and the Tribunal, after an inspection and hearing on 29 June 2017, issued a Repairing Standard Enforcement Order (RSEO) dated 24 July 2017 in respect of the property.
2. The terms of the RSEO initially required the Landlord to

- a) Obtain and produce an Electrical Installation Condition Report (“EICR”) within 21 days and to carry out any works which are necessary in terms of that report to meet the repairing standard
 - b) to obtain and produce an Energy Performance Certificate (“EPC”) within 21 days
 - c) To install within the property appropriate smoke alarms, carbon monoxide detectors and heat detectors within 28 days to ensure the property meets the terms of the repairing standard
 - d) To obtain a report within 28 days from an appropriately qualified and registered roofing contractor or registered building professional in respect of the roof area of the whole building including the roof coverings the roof structure and all associated areas. The report should ascertain the overall condition and also specify any repairs required at the present time to make the roof area wind and watertight or whether the roof covering should be replaced along with any consequent work to the structure or associated areas. Any works required in terms of said report are to be carried out within three months. Such a report may be obtained from either a chartered building surveyor a registered architect or a member of a registered roofing contractors association e.g. the national Federation of roofing contractors the confederation of roofing contractors or a similar independent organisation
3. The matters specified in the RSEO works should have been completed by 21 August 2017.

Reinspection and subsequent responses from parties

4. Upon the expiry of that period of time arrangements were made for the tribunal to re-inspect the property.
5. An initial reinspection was carried out on 26 September 2017.
6. A report of the reinspection was prepared and was issued to the parties together with a schedule of photographs. The parties were invited to comment upon the report.
7. After reviewing responses from both parties, the tribunal took the view that the landlord had failed to implement the entirety of the works required in

terms of the RSEO and was accordingly in breach of the order. The tribunal determined to make a rent relief order (“RRO”) and a decision to that effect was issued and intimated to the parties.

8. The rent relief order was sent to the parties on 19 January 2018
9. A further reinspection took place in July 2019. At that stage the tribunal were not satisfied that all works had been completed and refused to revoke the RSEO and the RRO.
10. A third re-inspection of the subject property was arranged for Tuesday 27 August 2025 at 11.00 am
11. A report of the reinspection was prepared and was issued to the parties together with a schedule of photographs. The parties were invited to comment upon the report. The report stated that all of the physical items listed within the Repairing Standard Enforcement Order have been completed. As at the date of the re-inspection the Tribunal had not had sight of a satisfactory EICR or EPC. The landlord was invited to submit these documents to the tribunal
12. By email dated 19 December 2025, the landlord’s representative produced a copy of an Energy Performance Certificate dated 16 December 2025.
13. By email dated 21 January 2026, the landlord’s representative produced a copy of a satisfactory electrical installation condition report dated 16 January 2026
14. The tribunal have reviewed the evidence provided and accept the position as set out in the emails of 19 December 2025 and 21 January 2026 that all relevant works required in terms of the RSEO have now been completed.

Decision

15. The tribunal, being satisfied that all works required in terms of the RSEO have now been completed, have resolved that the RSEO should be revoked.
16. Having decided to revoke the RSEO, the tribunal also decides in terms of section 27 (4) of the Housing (Scotland) 2006 to revoke the rent relief order

17. The tribunal has also determined to grant a certificate of completion in terms of section 60 of the 2006 Act confirming that the works required by the repairing standard enforcement order has been completed.

18. The Decision of the Tribunal is unanimous.

Right of Appeal

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.



24.02.2026

Signed

Date

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