



Tribunal for Scotland Housing and Property Chamber) (“the Tribunal”)

STATEMENT OF DECISION OF THE TRIBUNAL UNDER SECTION 25 (1) OF THE HOUSING (SCOTLAND) ACT 2006

Case Reference FTS/HPC/RP/24/2003

10 Thornyflat Place, Ayr, KA8 0NE being the subjects registered in the Land Register of Scotland under Title Number AYR8419 (“the Property”)

Parties:

Miss Lauren Howarth, formerly residing at 10 Thornyflat Place, Ayr, KA8 0NE (“The Tenant and Applicant”)

Mr Paul Chable residing at 56 Mill Lane, High Ongar, Essex (“The Landlord and Respondent”)

DECISION

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) having made such further enquiries as it saw fit for the purposes of determining whether the Repairing Standard Enforcement Order dated 22 October 2025 has been complied with determined that the Repairing Standard Enforcement Order has been complied with and that a Certificate of Completion should be issued in accordance with Section 60(5) of the Housing (Scotland) Act 2006

BACKGROUND

1. The Tribunal issued a Repairing Standard Enforcement Order dated 7 August 2025 in respect of the Property, which required the Landlord to:-

*The landlord must within **8 weeks** of the date of this order, carry out all of the following:-*

1. *Employ a suitably qualified plumber (1) to investigate the reason for the high moisture reading at the base of the toilet in the bathroom; and (2) to prepare a report confirming the outcome of that investigation; the landlord shall submit that report to the Tribunal*

for consideration and approval; and thereafter will complete all repairs and redecoration, as determined by the tribunal to be necessary.

2. *Repaint the section of the kitchen ceiling which is stained and shows historical water ingress.*
3. *Repair or renew the locking mechanism at front door and the area on the bottom left hand corner of the door to eliminate draughts; replace the door seals around the door; and repaint or repairs the sections of the door which are weathered and have flaking paint, to ensure that the property is wind and watertight and in all other respects reasonably fit for human habitation*

2. On 19 August, the Landlord emailed the tribunal. He advised that there was no water leak in the bathroom. He provided a report dated 15 August 2025, from John McClelland Plumbing, which was addressed to the landlord and referred to the property. It stated the following

“To inspect WC for water leak and take moisture readings. It is my professional opinion that the high levels are either due to clients missing the pan occasionally or your cleaning company putting excess water on mop head as high reading are only around the base of the WC and drop down considerably when you take readings 10 millimetres from base of WC I have taken a couple of photos which show flooring is completely dry behind WC and under linoleum flooring I hope these findings are acceptable to both yourself and local authorities.”

Photos of the bathroom, including around the toilet, were included within that report.

3. On 27 August 2025, the landlord emailed the tribunal regarding the kitchen ceiling and front door. He attached photographs showing that he had carried out redecoration works to the kitchen ceiling and the front door.
4. A reinspection was scheduled to take place on 24 November 2025. The landlord indicated that the inspection date was not suitable for him. The landlord also challenged that the works had been completed, and further inspection was not required. The landlord did not engage in providing further suitable dates for a reinspection.

REASONS FOR DECISION

5. The Tribunal determined that the RSEO have been satisfactorily completed.
6. No reinspection took place, however, before the tribunal was a report from a named plumber regarding the high moisture readings at the toilet in the bathroom and explaining the cause with photographic evidence in support of that report; and photographs of the kitchen ceiling and front door showing evidence of redecoration works having been done. The tribunal considered those papers. The tribunal had regard to the overarching principles of the tribunal rules, particularly to deal with the proceedings in a manner which is proportionate to the complexity of the issues. The original application had referred to a number of issues which were more significant in terms of the repairing standards. By the time of the original inspection, it was evident that many of the original issues raised had been addressed by the landlord. There were remaining issues, and they were set out in the RSEO. Evidence has been submitted by the landlord as evidence of compliance with the RSEO. The usual course of these proceedings would be to conduct a reinspection; however, given the nature of the remaining issues set out in the RSEO, the evidence submitted in support of compliance with those issues in the RSEO, and the overarching principles set out in the tribunal rules, the tribunal has concluded that the RSEO has been complied with. The decision of the Tribunal was unanimous.

DECISION

7. The tribunal determined that the RSEO has been complied with and proceeded to issue a certificate of completion.

RIGHT OF APPEAL

Landlords, tenants or third-party applicants aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

EFFECT OF SECTION 63

Where such an appeal is made the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or, finally determined by confirming the

decision, the decision and the order will be treated as having effect from the date in which the appeal is abandoned or, so determined.

M Barbour

Date 10 April 2026

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