

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order

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

Section 24 Housing (Scotland) Act 2006 (“the 2006 Act”)

Chamber Ref: FTS/HPC/RP/25/3070

The Property: 16 Belhaven Terrace, Wishaw, North Lanarkshire, ML2 7AY (“The Property”)

The Parties:

Mr Craig McLuckie 16 Belhaven Terrace, Wishaw, North Lanarkshire, ML2 7AY (“the Applicant”) and

Mr Tom Cullen, c/o Shillady’s Estate and Letting Agents, 206 Main Street, Wishaw, ML2 7LU (“the Respondent”) and

Shillady’s Estate and Letting Agents, 206 Main Street, Wishaw, ML2 7LU (the Respondent’s Representative”)

Tribunal Members:

G McWilliams- Legal Member
L Charles - Ordinary Member

The Repairing Standard Enforcement Order (“RSEO”)

1. Whereas in terms of their Decision dated 17th April 2026 The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”) and in particular that the Landlord has failed to ensure that the Property is wind and watertight and in all other respects reasonably fit for human habitation and that an appliance provided by the landlord under the tenancy, the extractor fan in the bathroom, is in proper working order, the Tribunal therefore decided that the Property does not meet the Repairing Standard specifically in terms of Section 13 (1) (a) and (d) of the 2006 Act.

2. The Tribunal now orders the Landlord to carry out such investigations and works as are necessary for the purpose of ensuring that the Property meets the Repairing Standard all in terms of Section 13(1) (a) and (d) of the 2006 Act and that any damage caused by the carrying out of any work in terms of this Order is made good and all necessary redecoration is carried out.

Specifically, the Landlord has to:

- i) carry out appropriate investigations to determine the cause of the water ingress and dampness high on the wall above the left bay window section in the living room; and to carry out such repairs and other works to ensure that the moisture readings in that area are reduced to safe levels and there is no water ingress and/or dampness in that area; and
 - ii) repair or replace the extractor fan in the bathroom; and
 - iii) carry out appropriate treatment and eradicate the areas of mould on walls in the bedroom; and
 - iv) replace missing flooring in the living room and bathroom; and
 - v) provide appropriate documentation and/or certification confirming the execution of the repairs and works, referred to in points i), ii), iii) and iv) above.
3. In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, and the extent of the remedial works which require to be carried out, the Tribunal determines that the RSEO requires to be complied with by 31st May 2026.

Right of Appeal

A Landlord, Tenant or Third-Party Applicant aggrieved by a 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.

Please note that in terms of section 28(1) of the 2006 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 2006 Act.

In witness whereof these presents, typewritten on this and the preceding page,
are executed by Gerry McWilliams, Solicitor, Legal Member of the Tribunal, at
Glasgow on 21st April 2026, before this witness:

C Cassidy

G McWilliams

Carol Cassidy- Witness

G McWilliams Tribunal Legal member

Secretary