

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")

Land Register Title Number: LAN 152327

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

The Property Bureau, 13 Broomknoll Street, Airdrie, ML6 6BN ("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 6th July 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 fittings that require to be provided by the landlord under the tenancy, flooring and flooring bars, are have not been installed, 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, and obtain a report from a suitably qualified contractor in respect of, the cause of the water ingress and dampness high on the wall above the left bay window section and in the centre of the ceiling in the living room by 17th August 2026; and
 - ii) carry out such repairs and other works to ensure that the moisture readings in the areas in the living room, referred to in point i) above, are reduced to safe levels and there is no water ingress and/or dampness in those areas; and
 - iii) carryout such repairs and other works to ensure the central heating system is in good working order; and
 - iv) replace the blinds in the bedroom; and
 - v) replace missing flooring in the bedroom; and
 - vi) install flooring bars at the junctions of the rooms in the Property; and
 - vii) provide appropriate documentation and/or certification confirming the execution of the repairs and works, referred to in points ii), iii), iv) and v) above; and
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 fully complied with by 28th September 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 6th July 2026, before this witness:-

C Cassidy

G McWilliams

**Carol Cassidy- Witness
Secretary**

G McWilliams Tribunal Legal Member