

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision Housing (Scotland) Act 2006: Sections 25, 26 and 27

Chamber Ref: FTS/HPC/RP/25/4577

64 Morar Place, Irvine, being the subjects registered in the Land Register of Scotland under Title Number AYR34248 (“the Property”)

The Parties:-

Linda Thomson (“the Applicant” and “the Tenant”)

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

Lindsey Taylor, 3 Alredford Green, Wickford, Essex, SS12 9RB and c/o Lomond Property, 71 Main Street, Prestwick, KA9 1JN (“the Respondent” and “the Landlord”)

Lomond Property, 71 Main Street, Prestwick, KA9 1JN (“the Respondent’s Letting Agent”)

Tribunal Members:

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

Decision

The tribunal determined:

That the repairing standard enforcement order (RSEO) dated 12 March 2026 be varied to extend the time for compliance to 15 September 2026.

Background

1. By application dated 17 February 2025, 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 (1) of the 2006 Act.
2. On 3 March 2026, the tribunal inspected the Property and, on the same day, there was a hearing at which the Applicant was represented and there was no appearance by the Landlord or his agent.
3. The tribunal determined to make a RSEO which was dated 12 March 2026. It was in the following terms:

The Landlord was required to:

- 3.1 **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.**
- 3.2 **Produce to the Tribunal a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to confirm that the installation is “satisfactory,” has appropriate RCD protection wholly compliant with the repairing standard and has no recommendations in the C1 or 2 category or F1 items for further investigation. It should also include PAT testing in respect of any electrical appliances supplied by the Respondent.**
- 3.3 **Replace the bathroom light with one compliant with relevant regulations.**
- 3.4 **Repair or renew the bath to ensure that there is an effective and safe grab rail.**
- 3.5 **Make good the defective sealant around the bath.**
- 3.6 **Repair or replace the external front door to ensure that it is wind and watertight.**
- 3.7 **Repair or renew the window sill in the front bedroom to ensure that it is secure.**

- 3.8 **Take appropriate action to enclose exposed pipes and wiring in the box room to ensure that it can be safely used.**
- 3.9 **Ensure that there is no ongoing water ingress to the ceiling in the box room and make good the décor.**
- 3.10 **Instruct a roofing contractor to inspect the roof to ensure that there are no access points for birds, take remedial action if there are, and ensure that the roof is sound and not allowing water ingress to the Property.**
- 3.11 **Instruct appropriately qualified contractors to safely and appropriately remove any nesting birds from the roof space.**

The Landlord was required to carry out the work required by the RSEO before 30 April 2026.

Reinspection

4. The tribunal reinspected the Property on 22 June 2026.
5. A copy of a reinspection photograph schedule prepared by the Ordinary Member is attached and is referred to for its terms.
6. A copy of the reinspection photographic schedule was sent to the parties for comment.

Hearing

7. A hearing was held by teleconference on 22 July 2026. The Respondent was not present and was not represented.
8. Mr Meek represented the Applicant.
9. The Respondent's representative had submitted a Gas Safety Certificate and an Electrical Installation Condition Report ("EICR").
10. The Ordinary Member summarised the findings of the reinspection. He highlighted four matters which had not been attended to: There was no evidence that any work had been done to the front door and it seemed that there was still water ingress in the hall. The weather/drip bar was still missing and rubber seals were missing or broken. The window sill in the front bedroom was not secure. There was no evidence of work having been done to the roof, such as a report or an invoice from a contractor. At the reinspection, the Tenant said that she had been told that birds in the roof space could not be removed because there was evidence of nesting with eggs/young birds present. Mr Meek was unable to provide any further information on that matter.

11. The tribunal noted that the Gas Safety Certificate and EICR were current and were in acceptable terms.

Disposal

12. The tribunal noted that the Landlord had taken steps to comply with the RSEO by having works carried out, but had not complied fully. It is unfortunate that the Landlord and his agents had chosen not to engage with the process and attend the hearing, particularly considering the possible implications for a landlord in failing to comply with a RSEO. Non-compliance is a criminal offence and it is also possible for the Tribunal to make a rent relief order.
13. In the particular circumstances and, given the possibility that the Landlord may have been unable to comply because of the presence of a nest or nests with eggs or young, the tribunal determined to vary the RSEO to give more time for compliance. The RSEO was varied to give the Landlord until 15 September 2026 to comply with it.

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.

M McAllister

Martin J. McAllister,
Solicitor, legal member of
Tribunal.
24 July 2026



Re-inspection Photograph Schedule
64 Morar Place, Irvine, KA12 9PX

Case Reference: FTS/HPC/RP/25/4577

Date of inspection: 22/06/2026

Time of inspection: 10.00 am

Weather conditions: Dry and overcast

Present: Mr Martin McAllister – Legal Member
Mr Nick Allan – Ordinary Member
Ms Linda Thomson – Tenant



Photo 1 – Front elevation



Photo 2 – New appropriate Bathroom light fitting



Photo 3 – New bath unit and silicon sealant



Photo 4 – Rubber seals still missing/broken



Photo 5 – Weather/drip bar still missing



Photo 6 – Hall floor still damp behind front door



Photo 7 – Sill in front Bedroom remains loose

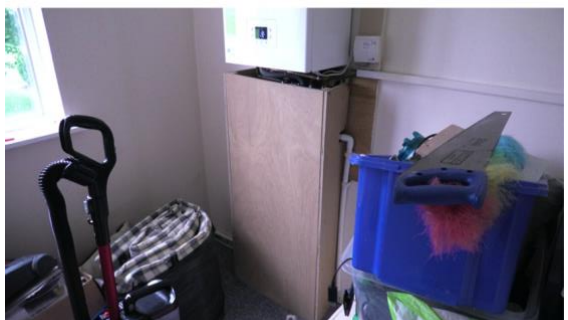


Photo 8 – Boxed-in pipework in small front Bedroom



Photo 9 – Dry ceiling above boiler now repaired



Photo 10 – No obvious signs of roof maintenance since original inspection on 03/03/2026

Inspection notes

- The Tribunal noted the continued presence of a heat sensor in the kitchen and smoke alarms in the Living room, Hall and upper Landing. These were tested once more and it was noted that they are still not all interconnected. They therefore still do not conform to current Scottish Government guidelines.
- The wall mounted carbon monoxide indicator located in the Box room remains in place, and is still functioning correctly.
- The Tribunal tested the Box room ceiling for dampness once more but no water ingress was detected.

Nick Allan FRICS
Surveyor – Ordinary Member
First-tier Tribunal for Scotland
(Housing and Property Chamber)
4th March 2026