Housing and Property Chamber
First-tier Tribunal for Scotland

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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006 Section 24)**

**Case reference FTS/HPC/RP/26/0193**

**Parties**

**Mr Andrew Fulton (Applicant)**

**Mr David Potter (Respondent)**

**6B Davidson Drive, Inverclyde, Gourock, PA19 1QD (House)**

**Tribunal members**

**James Bauld (Legal Member) and Sara Hesp (Ordinary Member)**

**NOTICE TO THE LANDLORD, David Potter**

Whereas in terms of their decision dated 6 October 2026, the First-tier tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Landlord had failed to comply with the duty imposed by Section 14 (l)(b) of the Housing (Scotland) Act 2006 ("The Act") and in particular that the Landlord has failed to ensure that:-

(a) the house is wind and water tight and in all other respects reasonably fit for human habitation,

(b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order

(c) the house meets the tolerable standard

The tribunal now requires the Landlord to carry out such works as are necessary for

the purposes of ensuring that the Property concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the tribunal requires the Landlord to

- Instruct a suitably qualified damp specialist to
    - consider the report and proposed schedule of works already obtained by the landlord from Peter Cox Preservation
    - consider the report and proposed schedule of works obtained by the property factor River Clyde Homes from their contractor DAMM and
    - produce a full survey report of the property detailing the cause and full extent of the dampness and damp staining within the living room and bedroom together with a proposed specification outlining all necessary remedial action
- Instruct a suitably qualified damp specialist to prepare a survey report of the property detailing the cause and full extent of the Water ingress into the hall cupboard
- Instruct a suitably qualified damp specialist to prepare a survey report of the property detailing the cause and full extent of the blockage to the gutter at the rear roof and the water overflow at that location together with a proposed specification outlining all necessary remedial action
- Submit the above reports to the tribunal within two months of the date of service of this Norice for further consideration by the tribunal and thereafter, carry out all works then required by the tribunal as are necessary to eradicate the damp from the property, repair the damage to the hall cupboard, clear the gutters and repair the damage to the exterior of the property and to ensure that the property meets the Repairing Standard.
- Instruct a suitably qualified tradesperson to inspect and repair the leak from the toilet bowl, the said works specified in this Order must be carried out and completed within the period of 8 weeks from the date of service of this Notice
- Any damage caused by the carrying out of any work in pursuance of the duty to ensure that the property meets the repairing standard should be made good.

The First-tier Tribunal order that the works specified in this Order must be carried out and completed within the time periods set out above from the date of service of this Notice

**A landlord, tenant or third party applicant 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.**

**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 Act, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order ("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 agreement 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 Act**

J Bauld

Signed
Chairperson

Date 15 October 2026

Housing and Property Chamber
First-tier Tribunal for Scotland

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

**STATEMENT OF DECISION of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 24 (1) of the Housing (Scotland) Act 2006**

**Case reference FTS/HPC/RP/26/0193**

**Parties**

**Mr Andrew Fulton (Applicant)**

**Mr David Potter (Respondent)**

**6B Davidson Drive, Inverclyde, Gourock, PA19 1QD (House)**

**Tribunal members**

**James Bauld (Legal Member) and Sara Hesp (Ordinary Member)**

## Background

1. By application initially lodged on 13 January 2026, the applicant as tenant of the property made an application to the First Tier Tribunal (Housing and Property Chamber) indicating that he believed that the respondent who is the landlord was failing to comply with the duty imposed on them by section 14 (1) (b) of the Housing Scotland Act 2006 (hereinafter referred to as "the 2006 Act"). The applicant complained that the property did not meet the repairing standard set out in the 2006 Act.

2. On 13 February 2026 the tribunal determined that the application could be referred to the tribunal for determination.

3. An inspection and hearing were subsequently arranged to take place on 22 September 2026, and appropriate intimation of the time and date was sent to all parties.

## The inspection

4. The tribunal members attended at the property on 22 September 2026 at 10.00 a.m. to carry out an inspection. The tenant was present. The landlord was not present nor represented.

5. The tribunal carried out an inspection of the property. A schedule of photographs prepared by the ordinary member of the tribunal is attached to this decision.

## The hearing

6. The hearing took place on 22 September 2026 at 12.00 noon at Glasgow Tribunal Centre.

7. At the Hearing the applicant was not present and accompanied by his partner, Ms. Joanne Little. The landlord was not present.

8. The tribunal members considered the evidence contained within the case papers and noted that the landlord had provided no written representations disputing the allegations that the property did not meet the repairing standard

9. The tribunal members discussed with the applicant what had been observed at the inspection and thereafter indicated to the applicant that they were satisfied that there were a number of issues which demonstrated that the property did not meet the repairing standard and that the tribunal was willing to issue a repairing standard enforcement order ("RSEO")

## Observations and findings in fact

10. The property is a ground floor flat in a purpose built, four storey flatted block, which appears to be of traditional construction, approximately 60 years old.

11. The exterior of the building has had additional cladding added to it in the form of roughcast panels.

12. Internally the property consists of a hallway, living room, kitchen, one bedroom and bathroom.

13. The front external wall of the living room is affected by dampness.

14. The internal wall between the living room and the kitchen is affected by dampness.

15. The external wall in the rear bedroom is affected by dampness.

16. There is evidence of previous water ingress into the cupboard in the hall.

17. An old unused thermostat has been partially removed from the living room wall.

18. The WC in the toilet is leaking.

19. The rear gutter appears to be in a an state of disrepair. Vegetation could be seen growing in the gutter and the rear exterior walls are significantly stained and discoloured by water overflow which seems to have led to the growth of moss/algae.

20. The rear door of the close to the back green area is in a significant state of disrepair. There is a hole at the foot of the door, and a glazed panel is broken.

21. The windows throughout the property are generally windtight and watertight and in a reasonable state of repair for their age.

22. The kitchen units which had formed part of the initial application have been repaired.

23. The front door handle has been repaired

24. The smoke and heat alarms throughout the property were tested and found to be interlinked and working.

25. The property is occupied under and in terms of a private residential tenancy governed by the Private Housing (Tenancies) (Scotland) Act 2016 between the tenant and the respondent.

26. The property requires to comply with the repairing standard as set out in the Housing (Scotland) Act 2006 as amended.

**and reasons for decision**.

27. The tribunal carefully considered the evidence which had been obtained at the inspection and the information contained in the tribunal papers.

28. The tribunal has concluded that this property does not currently meet the repairing standard set out in the legislation. It requires a number of works to bring it up to standard. The Landlord has failed to provide evidence that she has complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006.

29. The tribunal accordingly is required to make a repairing standard enforcement order requiring the landlord to undertake a number of works.

30. The required works will be as follows:

- Instruct a suitably qualified damp specialist to
    - consider the report and proposed schedule of works already obtained by the landlord from Peter Cox Preservation
    - consider the report and proposed schedule of works obtained by the property factor River Clyde Homes from their contractor DAMM and
    - produce a full survey report of the property detailing the cause and full extent of the dampness and damp staining within the living room and bedroom together with a proposed specification outlining all necessary remedial action
- Instruct a suitably qualified damp specialist to prepare a survey report of the property detailing the cause and full extent of the Water ingress into the hall cupboard
- Instruct a suitably qualified damp specialist to prepare a survey report of the property detailing the cause and full extent of the blockage to the gutter at the rear roof and the water overflow at that location together with a proposed specification outlining all necessary remedial action
- Submit the reports to the tribunal for further consideration and thereafter, carry out all works then required by the tribunal as are necessary to eradicate the damp from the property, repair the damage to the hall cupboard, clear the gutters and repair the damage to the exterior of the property and to ensure that the property meets the Repairing Standard.
- Instruct a suitably qualified tradesperson to inspect and repair the leak from the toilet bowl
- Any damage caused by the carrying out of any work in pursuance of the duty to ensure that the property meets the repairing standard should be made good.

31. The appropriate repairing standard enforcement order is attached to this decision.

32. Upon receipt of the reports required by the tribunal, the tribunal will thereafter determine what further order requires to be made and what further works might be required in respect of the property

33. The decision of the tribunal is unanimous.

J Bauld

Signed Date: 15 October 2026

Housing and Property Chamber
First-tier Tribunal for Scotland

**6B Davidson Drive, Inverclyde, Gourock PA19 1QD**

**FTS/HPC/RP/26/0193**

Schedule of photographs taken on 22 September 2026



*Photograph 1: Front elevation (Ground floor right hand side flat)*

*Photograph 2: Hallway: Front door*



*Photograph 3: Hallway: Smoke detector – tested and found to be interlinked and working*



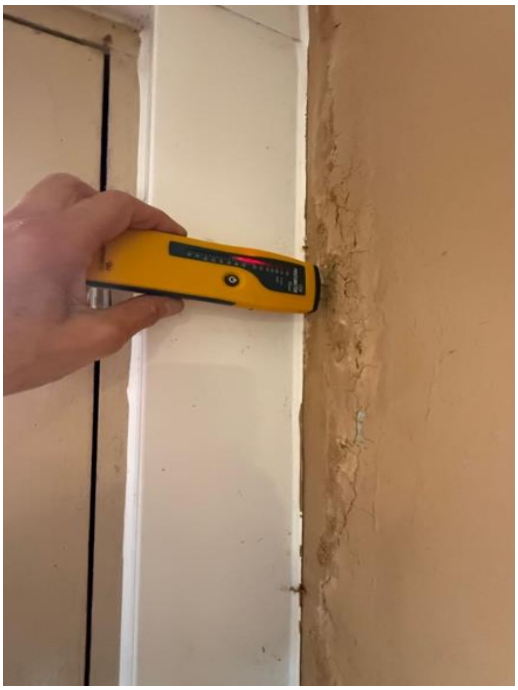
*Photograph 4: Hallway: Water damage to cupboard ceiling*



*Photograph 5: Communal hallway (wall to left of property front door abutting hallway cupboard within property)*



*Photograph 6: Communal hallway (adjacent to back door): Damp meter showing moisture raised levels*



*Photograph 7: Living room – general view of front elevation wall and window*



*Photograph 8: Living room: lower front elevation wall (right hand side)*



*Photograph 9: Living room: raised moisture levels to lower front elevation wall (right hand side)*



*Photograph 10: Living room: raised moisture levels to front elevation wall (left hand side)*



*Photograph 11: Living room: raised moisture levels to front elevation wall (left hand side)*



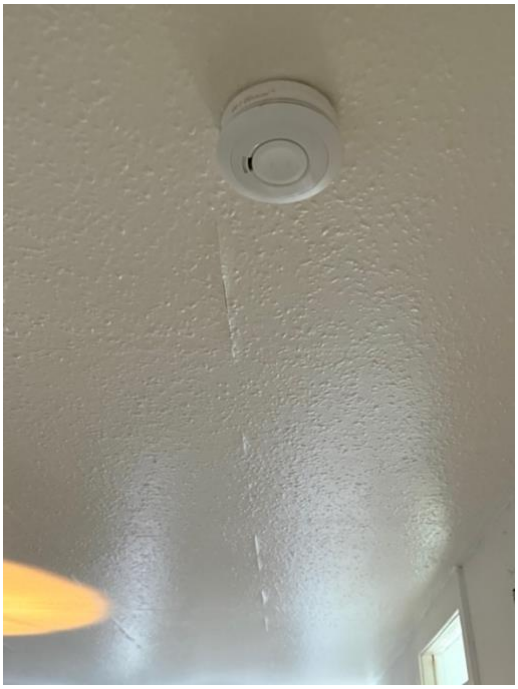
*Photograph 12: Living room: front elevation wall: central area – normal moisture levels*



*Photograph 13: Living room: left hand wall abutting kitchen – raised moisture levels*



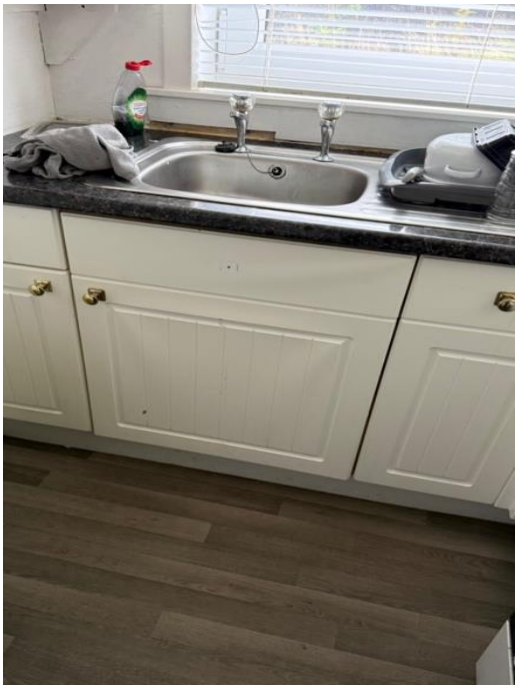
*Photograph 14: Living room: smoke detector – tested and found to be interlinked and working*



*Photograph 15: Living room: site of thermostat*



*Photograph 16: Kitchen: sink unit*



*Photograph 17: Kitchen: base unit*



*Photograph 18: Kitchen: window*



*Photograph 19: Kitchen: heat detector – tested and found to be interlinked and working*



*Photograph 20: Kitchen: double socket to kitchen wall (on other side of wall from photograph 13)*



*Photograph 21: Bathroom: leak from toilet base*



*Photograph 22: Bathroom: radiator*



*Photograph 23: Bathroom: Windowsill*



*Photograph 24: Bedroom: Window*



*Photograph 25: Bedroom: damage to plaster above window*



*Photograph 26: Bedroom: Window – rear elevation*



*Photograph 27: Rear entrance elevation – discolouration to left of door at all levels*



*Photograph 28: External front elevation at living room window*



*Photograph 29: External front elevation at entrance*

