Housing and Property Chamber
First-tier Tribunal for Scotland

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

Note: Housing (Scotland) Act 2006: Section 27

Chamber Ref: FTS/HPC/RP/24/2670

13 Elms Place, Stevenston, KA20 4EF, registered in the Land Register of Scotland under Title Number AYR100415 ("the Property")

The Parties:-

Miss Karen Moriarty, 13 Elms Place, Stvenston, KA20 4EF ("the Former Tenant" and "the Applicant")

CHAP, 71 Princes Street, Ardrossan, KA22 8DG ("the Tenant's Representative)

Matthew Harkins and Heather Coulton, 30 Strathgryffe Crescent, Bridge of Weir, Renfrewshire, PA11 3LG ("the Former Landlord")

S & N Luxe nest Group Ltd ("the current Landlord")

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Lorraine Charles, Chartered Surveyor (Ordinary Member) ("the tribunal")

Decision

The tribunal determined that the repairing standard enforcement order dated 13 January 2025 has been complied with.

Background

1. By application dated 12 June 2024, 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 ("the 2006 Act.")

2. The Applicant and Respondent were parties to a short assured tenancy in respect of the Property. It is undated and refers to a tenancy commencing on 12 November 2015.

3. On 1 July 2023, a Notice of Acceptance was issued by a legal member of the Tribunal acting under delegated powers of the Chamber President.

Inspection

4. The members of the tribunal inspected the Property on 21 October 2024. The Tenant was present.

Hearing

5. A Hearing was held at Ardeer Community Centre, Stevenston on 21 October 2024. Ms Andrea Gibson, from CHAP, representative of the Tenant was present.

6. The tribunal made a repairing standard enforcement order ("RSEO") in the following terms:

The Landlord was to

6.1 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 suitable 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 have no recommendations in the C1 or C2 category. PAT testing documentation for any portable appliances supplied by the Landlord should also be produced which has been prepared by a similarly qualified and accredited electrician.

6.2 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.

6.3 Install functional interconnected smoke detectors in the lounge, ground and first floor and a heat detector in the kitchen which meet Scottish Government guidelines.

6.4 Repair or renew the windows in the lounge, kitchen, main bedroom and bathroom to ensure that they are in good and efficient working order and draught free.

Attempted reinspection

7. A reinspection of the Property was arranged for 27 July 2025. Access was not achieved.

Change of Ownership

8. The Tribunal was advised on 14 April 2025 that the tenancy had terminated.

9. The Current Landlord took ownership of the Property on 2 October 2025.

Reinspection on 1 July 2026

10. The tribunal inspected the Property on 1 July 2026. The Property had been re-let and access was facilitated by Ms Clare Allan of Matthew Mitchell Lettings Ltd and Ms Moughan, the current tenant.

11. The Ordinary Member prepared a schedule of photographs which is attached and referred to for its terms.

12. It was noted that a satisfactory EICR and a satisfactory gas safety certificate had been submitted.

13. There were missing smoke detectors and the representative from Matthew Mitchell Lettings said that they had possibly been removed during decorating work.

14. There appeared to have been no work carried out to repair the windows.

15. Subsequent to the reinspection, the Current Landlord submitted a copy of an invoice in respect of work carried out to repair windows and a certificate with regard to the smoke and heat detectors.

Reinspection on 29 September 2026

16. The tribunal inspected the Property on 29 September 2026. Access was facilitated by Ms Clare Allan of Matthew Mitchell Lettings Ltd.

17. The tribunal noted that the window mechanisms were in working order and that the windows appeared to be operating satisfactorily and to be draught free.

18. The tribunal noted that smoke and heat detectors were located appropriately. They were tested and were found to be working and interlinked.

Determination

19. The tribunal was satisfied that the RSEO had been complied with and determined to issue a Certificate of Completion of Work under Section 60 (5) (b) of the Housing (Scotland) Act 2006.

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
30 September 2026