

Housing and Property Chamber
First-tier Tribunal for Scotland



**Statement of Decision: Sections 25(1) (b) of the Housing (Scotland) Act 2006:
(the Act).**

Chamber Ref: FTS/HPC/RT/21/2965

**32 Barclay Avenue, Elderslie, PA5 9HF registered in the Land Register of
Scotland under Title Number REN56900 (“the Property”)**

The Parties:-

**Renfrewshire Council, Cotton House, Paisley, PA1 1BR (“the Third Party
Applicant”)**

**Mrs Nicola Donald, 32 Barclay Avenue, Elderslie, PA5 9HF (“the Former
Tenant”)**

**Mr Ian Tennie, 63 Victoria Road, Paisley, PA2 9PT (“the Landlord” and Former
Owner”)**

**Mrs Nicola Hunnable, 32 Barclay Avenue, Elderslie, PA5 9HF (“The Current
Owner.”)**

Tribunal Members:

**Mr Martin McAllister, Solicitor (Legal Member) and Mr Donald Wooley,
Chartered Surveyor (Ordinary Member) (“the tribunal”)**

Decision

- (i) The tribunal determines that the work required by the repairing
standard enforcement order dated 23 March 2022 is no longer
necessary.**
- (ii) The tribunal determines to revoke the repairing standard enforcement
order in terms of section 25 (1) (b) of the Housing (Scotland) Act 2006.**

Background

1. The tribunal inspected the Property on 15 March 2022 and made a repairing standard enforcement order (“RSEO”) on 23 March 2022. The Landlord was required to:
 - (i) **Produce a current Electrical Installation Condition Report (“EICR”) 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.**
 - (ii) **Produce a current Gas Safety Certificate for the Property prepared by a suitably qualified gas engineer registered in the Gas Safe Register.**

The Landlord was required to comply with the repairing standard order by 2nd May 2022

2. The Landlord failed to comply with the RSEO and a Notice of Non -Compliance in terms of Section 26 (2) of the Act was issued on 31 May 2022.
3. Subsequent to the making of the RSEO, the tenancy was terminated.
4. The Current Owner contacted the Tribunal and requested that consideration be given to removal of the RSEO.

Reinspection 8 September 2026

5. The tribunal inspected the Property on 8 September 2026 and access was facilitated by the Current Owner. Following the inspection, the Ordinary Member produced a schedule of photographs and reinspection report which is attached to this decision and referred to for its terms.

6. The Current Owner explained that she had purchased the Property as her main residence and that she continued to reside it. She said that she had no intention of putting the Property on the rental market.
7. The current owner produced a copy of a satisfactory gas safety report and this is incorporated in the attached reinspection report.
8. The current owner did not have an EICR. She said that extensive electrical works had been carried out as part of the refurbishment project which had been undertaken after she had purchased the Property. It was noted that this included replacement of the electrical consumer unit and newly installed electrical power points.

Discussion and Determination

9. The tribunal was satisfied that the second item of the RSEO had been complied with.
10. The tribunal accepted that significant works had been carried out to the electrical system of the Property, although no EICR was available.
11. The tribunal accepted, on the balance of probabilities, that the current owner resides in the Property and had no intention of placing it on the rental market.
12. In all the circumstances, given partial compliance with the RSEO, significant upgrading of the electrical system and the fact that the Property was no longer on the rental market, the tribunal determined that it was appropriate to revoke the RSEO in terms of Section 25 (1) (b) of the Act because the RSEO is no longer necessary.

A landlord, tenant or third party applicant 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.

In terms of Section 63 of the Act, 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 J McAllister

**Martin J. McAllister, solicitor,
Legal Member of Tribunal.
14 September 2026**

Housing and Property Chamber

First-tier Tribunal for Scotland



First-Tier Tribunal for Scotland (Housing and Property Chamber) Re-inspection report



Front Elevation

Property 32 Barclay Avenue, Elderslie

Ref No: FTS/HPC/RT/21/2965

Surveyor: Donald Wooley MRICS

Previous inspection

The subject property was previously inspected on 15 March 2022 by the First-tier Tribunal for Scotland (Housing Property Chamber). Following the inspection, and subsequent hearing a Repairing Standard Enforcement Order (RSEO) was issued by both email and by post. A re-inspection of the subject property was arranged for Tuesday 8 September 2026

Access:

I arrived at the property at 09.45 am accompanied by Mr Martin McAllister the legal member of the Tribunal. Access to the property was provided by the landlord, Mrs. Hunnable the new owner and permanent resident. Weather conditions at the time of

the inspection were dry, warm and sunny and both Tribunal members left the property at 10,30 am pm

Purpose of re-inspection

The purpose of this re-inspection was to determine if the required works as detailed under the Repairing Standard Enforcement Order had been completed.

Work required under the Repairing Standard Enforcement Order (RSEO):

The Landlord was required to carry out the following works:

1. produce 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.
2. produce a current Gas Safety Certificate for the Property prepared by a suitably qualified gas engineer registered in the Gas Safe Register.

Site Observations

Following the issuing of the RSEO and subsequent “Failure to Comply” notice, the respondent submitted an electrical report to the Tribunal dated 29 September 2022. This report appeared to comprise a combination of two entirely separate documents, in an unacceptable non compliant format by a company/person without the appropriate accreditation in terms of the RSEO

Since purchasing the property the current owner/occupier has substantially upgraded the electrical system and renewed the electrical consumer unit.



15 March 2022



8 September 2026

The kitchen has undergone rewiring, refitting and complete upgrading with newly installed electrical power points.



15 March 2022



15 March 2022



8 September 2026



8 September 2026

Domestic Landlord / Homeowner Gas Safety Record

Date: 31st July 2026 Ref: GAUK02146656
 Gas Safe Reg No: 912815 Serial no: GAUK02146656

Gas App UK

Details of Registered Business		Details of Landlord / Homeowner (or agent where appropriate)		Details of Site	
Name:	Xel Services	Name:	Nicola Hunnab	Name:	Nicola Hunnab
Address:	1 Lennox Avenue	Address:	32 Barclay Avenue	Address:	32 Barclay Avenue
	Bishopston		Elderslie		Elderslie
	Renfrewshire				
Postcode:	pa7 5bp	Postcode:	PA5 9HF	Postcode:	PA5 9HF
Contact Number:	07464321193	Contact Number:	07738740414	Contact Number:	07738740414

Appliance Details							Final check results	
Location	Type	Manufacturer	Model	Owned by Landlord	Appliance Inspected?	Flue Type	Outcome of gas tightness test	N/A
1 Airing Cupboard	Combi	Worcester	Greenstar 30	No	Yes	RS-FF	Is the main protective equipotential bonding satisfactory?	Yes
Inspection Details							Is the emergency control accessible?	Yes
Operating Pressure (mbar) or heat input (kW/h)	Safety devices operating correctly?	Satisfactory Ventilation?	Visual condition of flue & termination	Flue operation checks	Combustion analyser reading	Was appliance serviced?	Is appliance safe to use?	Satisfactory visual inspection of gas installation pipework?
1 31.3 kW/h	Yes	Yes	Pass	Pass	0.0012	Yes	Yes	Yes
							CO alarm fitted and working?	Yes
							Smoke/fire alarm fitted and working?	N/A
Notes								
Boiler service all ok. Advise on co alarm								

Defects Identified		Remedial Work Details		Label & Warning Notice		Combustion Performance Readings					
1	N/A	N/A		No							
Record Issued By:				Received By:							
Signature:				Signature:							
Gas Engineer				Name:							
Gas Safe Licence				Position:							
Date				Date							
31st July 2026				31st July 2026							

Next Inspection Is Due Before:
31st July 2027

This record can be used to document the outcome of checks and tests required by The Gas Safety (Installation and Use) Regulations 1998 as amended by the Gas Safety (Installation and Use) (Amendment) Regulations 2018. Some of the outcomes are as a result of visual inspection only and are recorded where appropriate. Unless specifically recorded no detailed inspection of the flue lining, construction or integrity has been performed. Registered Business / engineer details can be checked at www.gassaferegister.co.uk or by calling 0800 408 5900.

Gas certificate dated 31 July 2026

The current owner occupier produced a satisfactory Gas safety report prepared by a Mark Quigley. (Gas Safe registered engineer Registration Number 912815).

Comments:

In terms of the RSEO, item 2 has been satisfactorily addressed.

Since the RSEO was served on the previous owner, the property has been sold to an unrelated third party. Now in owner occupation, the wiring has been substantially upgraded although, as there is no tenant, no "Landlord's EICR" was available.

In addition to upgrading the wiring the entire property has been refurbished and improved throughout.

Donald Wooley

Donald Wooley MRICS
 Ordinary Member
 First-Tier Tribunal for Scotland
 8 September 2026