Housing and Property Chamber
First-tier Tribunal for Scotland

Statement of Decision: Section 25(1) of the Housing (Scotland) Act 2006: (the Act).

17C Mearns Street, Greenock PA15 4PX, registered in the Land Register of Scotland under title number REN70713 ("the Property")

Case Reference FTS/HPC/RP/25/0509

Miss Baiba Laura Reinkopfa, 17C Mearns Street, Greenock PA15 4PX ("The Applicant" and "The Former Tenant")

Mr Barry Miller, residing at 9 Rosemount Place, Gourock, PA19 1HQ ("The Respondent" and "The Landlord")

Tribunal Members – Martin McAllister, solicitor (Legal Member) and Andrew McFarlane, chartered surveyor (Ordinary Member) ("the tribunal")

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') determines that the Repairing Standard Enforcement Order relative to the Property dated 31 March 2023, and subsequently varied should be varied with effect from the date of service of this Notice as follows:-

The period allowed for the completion of the work required by the order is extended until 31 January 2027.

Background

1. The tribunal inspected the Property on 31 October 2025. Following a Hearing on 24 November 2025, the tribunal issued a repairing standard enforcement order (RSEO) dated 9 December 2025 in the following terms:

The Landlord was required to:

(One) Carry out a scheme of works to prevent or restrict the ingress of water or accumulation of dampness from the exterior of the front elevation of the Property manifesting itself internally in the following areas:
(i) in the front bedroom (front left room when viewed from inside looking out to street),
(ii) on the angled section of the external wall,
(iii) on the external wall between the angled section and the window,
(iv) at the intersection of the angled section of the external wall extending down from the cornice,
(v) on the cornice and ceiling adjacent,
(vi) on the soffit lining to the window,
(vii) on the external wall between the window and the right-hand wall on the right-hand wall (to living room),
(viii) in the living room (front right room when viewed from inside looking out to street),
(ix) on the left-hand wall (to bedroom),
(x) on the external wall between intersection with the left-hand wall at the left-hand side of the left-hand window,
(xi) above the left-hand window continuing from the left-hand side,
(xii) below the left-hand window continuing from the left-hand side
(xiii) remove damaged plaster and decorative finishes generally in the areas listed above to the extent necessary to allow drying out of the underlying exposed structure and thereafter reinstate plaster finishes previously damaged or removed and leave ready for redecoration,
(xiv) redecorate disrupted areas generally to match existing and
(xv) clean off mould growth on silicone sealants between uPVC window frames and uPVC linings and on uPVC window frames and linings as necessary.

(Two) Supply to the tenant a key for the lock on the door leading from the common close to the rear garden ground.

The Landlord was required to comply with the RSEO by 31 March 2026.

2. Subsequent to the Hearing, the Tribunal was advised that the tenancy had terminated.

3. The RSEO was varied to allow the Landlord until 30 June 2026 to complete the works required by the RSEO.

4. On 21 and 24 May 2026, the Landlord emailed the Tribunal. He submitted copies of emails to and from the property factor who manages the building within which the Property is situated. The property factor had received an

estimate from a contractor to carry out significant repair works to the common parts of the building to address a number of issues, including water ingress. Two proprietors of the building had not consented to the works proceeding and the property factor indicated that it intended to approach the local authority under the "missing shares" scheme. The property factor stated that costs had risen since the original contractor had submitted its quotation and that it was intended to get a quotation from another contractor.

5. As a consequence of the information provided by the Landlord and his representations, the tribunal determined to vary the RSEO to allow him until 30 September 2026 to comply with the RSEO.

6. On 31 August 2026 and 8 September 2026, the Landlord provided further information to the Tribunal. This included copies of communications between the property factor and other parties in relation to common works which require to be done to the tenement where the Property is situated.

Discussion and Determination

7. The tribunal accepted that the information submitted by the Landlord demonstrated that he continues to be fully committed to dealing with the RSEO but that this depended on works being done to the common parts of the tenement. The Landlord relied on the property factor to manage these repairs.

8. The tribunal considered it reasonable to vary the RSEO in view of the fact that the Landlord had taken steps to comply with it and was relying on the property factor to arrange for works to be caried out to the common parts of the tenement. The tribunal was satisfied that, in complying with the RSEO, the Landlord would have to rely on works being carried out to the common parts of the tenement. The tribunal had regard to Section 25 (3) (b) (ii) of the Housing (Scotland) Act 2006. It was also significant that the Property was vacant.

9. The tribunal determined that the RSEO should be varied to allow the Landlord until 31 January 2027 to comply with its terms.

10. If the Landlord complies with the RSEO prior to 31 January 2027, he can request that the Property be reinspected by the tribunal.

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 McAllister

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