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")

Alister 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, and subsequently varied, be varied further to extend the time for compliance to 30 November 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 and Hearing

4. The tribunal reinspected the Property on 22 June 2026.

5. A hearing was held by teleconference on 22 July 2026. The Respondent was not present and was not represented.

6. The tribunal noted that the Landlord had taken steps to comply with the RSEO by having works carried out, but had not complied fully.

7. The tribunal determined that the RSEO be varied to allow the Respondent until 15 September 2026 to comply with the RSEO.

Reinspection 29 September 2026

8. The tribunal inspected the Property on 29 September 2026. Access to the Property was afforded by Ms Thomson, the Applicant.

9. A photographic schedule prepared by the ordinary member is attached and is referred to for its terms.

10. It was noted that the window sill in the front bedroom was securely fixed and that the external front door is wind and watertight.

11. It was noted that it appeared that no work had been done to the roof. The Applicant advised that birds were still present in the roof space.

Determination

12. It was accepted that the Respondent had carried out further works since the inspection on 22 June 2026. The Respondent appeared not to have addressed the issue with nesting birds in the roof space and their ability to access the Property.

13. The tribunal determined that it was appropriate to vary the RSEO to give the Respondent a further opportunity to comply with it. It determined that it was appropriate to allow the Respondent until 30 November 2026 to comply with the RSEO.

14. The tribunal will arrange to reinspect the Property after 30 November 2026 and, if the works required by the RSEO have not been fully completed, it is possible that the tribunal will make a rent relief order in terms of section 27 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.

Martin J. McAllister,
Solicitor, legal member of the
Tribunal.
8 October 2026