Tribunal for Scotland Housing and Property Chamber) ("the Tribunal")

STATEMENT OF DECISION OF THE TRIBUNAL UNDER SECTION 25 (1)(b) OF THE HOUSING (SCOTLAND) ACT 2006

Chamber Ref: FTS/HPC/RP/25/0138

Land Register Description: 11 Reid Avenue, Dalry, KA24 4BH being the subjects registered under title number AYR59761 ("the Property")

The Parties: -

Mandy Cox, residing at 11 Reid Avenue, Dalry, KA24 4BH ("Tenant and Applicant")

Leslie Crawford and Kenneth Crawford, 57 Thornebrooke, Ahoghill, Ballymena, Northern Ireland, BT42 1PZ ("The Landlord and Respondent")

Tribunal Members:

Melanie Barbour (Legal Member) and Nicholas Allan (Ordinary Member - Surveyor)

DECISION

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") unanimously determined to revoke the Repairing Standard Enforcement Order dated 8 July 2025.

BACKGROUND

1. The Tribunal issued a Repairing Standard Enforcement Order dated 8 July 2025 in respect of the Property, which required the Landlord to:-

1. Produce a current Electrical Installation Condition Report for the Property and provide a copy of this gas to the tribunal.

   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 have no recommendations in the C1 or C2 category.

2. Instruct a suitably qualified and Gas Safe registered engineer to carry out a certificated gas safety check on the gas heating system and any other gas appliances in the property and provide a copy of the gas safety record to the tribunal.

3. Carry out such repairs as are necessary to the gas heating system in order that the temperature can be independently controlled by the use of a thermostat, which must be easily accessible to persons occupying the property and situated in one of the main living areas of the property.

4. Replace all broken radiator thermostats in the property to put them in to proper working order. Provide a copy of the final invoice, which details what works have been carried out to comply with this condition, to the tribunal.

5. Carry out such repairs as are necessary to securely attach the third tread from the top of the staircase to put it into a reasonable state of repair and proper working order.

6. Make good the holes in the wall at the socket situated in the lower hallway.

7. Instruct a suitably qualified firm specialising in pest control to investigate the infestation of insects in the property; ascertain the

likely cause of the infestation and entry points for the insects; and prepare a recommendation about how to eradicate them. Provide the Tribunal with a copy of that report for its further consideration and thereafter carry out all works which are determined by the Tribunal as are necessary to ensure that the Property meets the repairing standard.

2. A re-inspection of the property was carried out on 26 May 2026. Reference is made to the full terms of the re-inspection photograph schedule accompanying this report. At that time the landlord had carried out repairs to the third tread from the top of the staircase. It appeared to be in a reasonable state of repair and proper working order. The landlord had also made good the holes in the wall at the socket situated in the lower hallway. The landlord had not provided evidence of other works required by the RSEO; it appeared they had not been undertaken. Reference was made to the attached reinspection schedule. The landlord had not produced evidence of the matters set out in 1-4 and 7 in the RSEO.

3. On 16 July 2026, the landlord submitted supporting photographic documentation which appeared to show that the gas heating system temperature could now be independently controlled by the use of a thermostat, and was accessible to persons occupying the property and situated in one of the main living areas of the property. The landlord also provided photographic evidence showing that there was now at least one radiator thermostat in the property.

4. The landlord also provided two reports. The first was an Electrical Installation Condition Report for the Property to the tribunal. That report is required 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 have no recommendations in the C1 or C2 category. The administration checked the name of the electrician who prepared the report

against the Select Register; it did not hold any details of the electrician being registered with them.

5. The landlord also provided a report setting out that gas safety checks had taken place on the gas heating system and other gas appliances in the property. The gas engineer who prepared this report did not appear to be a Gas Safe registered engineer.

6. The certification of both report writers was queried by the tribunal. The landlord advised that the electrician was registered with the appropriate body but provided no supporting documentation in respect of the same. He also advised that the gas engineer did not have to be registered as the property was being sold to a first-time buyer and was not going to be rented out. The landlord attached a copy of the missives of the sale.

DECISION AND REASONS

7. Section 25(1) of the 2006 Act states "*Where the First-tier Tribunal has made a repairing standard enforcement order, it may, at any time – (a) vary the order in such manner as it considers reasonable or (b) where it considers that the work required by the order is no longer necessary, revoke it*".

8. The Tribunal determined that outstanding items 3 and 4 of the RSEO have been satisfactorily completed. Photographic evidence was supplied in support of those two conditions. Conditions 5 and 6 had previously been satisfactorily completed.

9. The Tribunal has not received evidence to support that condition 7 has been complied with. The Tribunal has received two reports in respect of conditions 1 and 2 of the RSEO. Neither report has been accompanied by evidence showing that the gas and electrical engineers were registered with the respective professional bodies as required by conditions 1 and 2. The Tribunal is not therefore satisfied that items 1,2 and 7 have been fully complied with.

10. The Tribunal has noted the landlord's correspondence, namely that the property has been sold and the purchasers are not purchasing the property to rent it out. The landlord has provided the Tribunal with a copy of the missives of sale. Given the landlord's written confirmation that the property is to be sold and that the purchasers are not going to be renting it out; and the missives of the sale, the Tribunal has decided that it will revoke the repairing standard enforcement dated 8 July 2026. The decision of the Tribunal was unanimous.

RIGHT OF APPEAL

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 of the decision was sent to them.

Where such an appeal is made the effect of the decision and 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.

IN WITNESS WHEREOF these presents typewritten on this and the preceding two pages are executed by Melanie Barbour, Legal Member/Chair of the Tribunal at Glasgow on 13 October 2026 before this witness,

M Barbour