

**Housing and Property Chamber**  
**First-tier Tribunal for Scotland**

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

**Chamber Ref: FTS/HPC/RT/24/1081**

**15 Mackie Avenue, Tarves, Ellon AB41 7LA being the subjects registered in the Land Register of Scotland under Title Number ABN68905 (“the Property”)**

**The Parties:-**

**Abredeenshire Council, Gordon House, Blackhall Road, Inverurie, Aberdeenshire, AB51 3WA (“the Third Party Applicant”)**

**Garry Milne, Crimondhill Workshop, Manse Road, Methlick, Ellon, Aberdeenshire AB41 7EH (“the Landlord” and “the Respondent”)**

**Laura Murray, 15 Mackie Avenue, Tarves, Ellon AB41 7LA (“the Tenant”)**

**Tribunal Members:**

**Martin McAllister, Solicitor (Legal Member) and David Godfrey, Chartered Surveyor (Ordinary Member) (“the tribunal”)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) determines that the Repairing Standard Enforcement Order relative to the Property dated 26 August 2024 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 16 June 2025.**

## Background

1. The tribunal inspected the Property on 21 August 2024 and issued a Decision dated 26 August 2024. On 26 August 2024, the tribunal issued a repairing standard enforcement order (RSEO) in the following terms:

The Landlord is required to

- I. repair or replace the sitting room window so that it is capable of being opened and closed fully as designed and without any significant impairment;
- II. carry out works to the roof to ensure that there are no loose or broken tiles;
- III. ensure that the oil fired central heating system is working efficiently and safely in compliance with current regulations including proper installation of the oil tank and a system free from fuel leaks. The Respondent is to provide certification from a technician qualified to install and inspect oil fired boilers and oil storage tanks and registered with the Oil Firing Technical Association (OFTEC) that the heating system meets these requirements;
- IV. ensure that a properly installed carbon monoxide detector is installed in the sitting room;

V. provide an up to date electrical inspection condition report (EICR) on the house by a competent electrician on the working order and condition of the installation in the house for the supply of electricity and the report should also address the state of repair and working order of the electrical fittings and appliances provided by the Respondent in the house (PAT test certificate). The report should contain no items of Category C1 or C2 faults. The provisions relating to competent electricians are contained in the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property. This information is available on the Chamber website at [https://www.housingandpropertychamber.scot/sites/default/files/hpc/SCOTTISH%20GOVERNMENT%20GUIDANCE%20ON%20ELECTRICAL%20INSTALLATIONS%20AND%20APPLIANCES%20IN%20PRIVATE%20RENTED%20PROPERTY%20-%20REVISED%20NOV%202016\\_0.pdf](https://www.housingandpropertychamber.scot/sites/default/files/hpc/SCOTTISH%20GOVERNMENT%20GUIDANCE%20ON%20ELECTRICAL%20INSTALLATIONS%20AND%20APPLIANCES%20IN%20PRIVATE%20RENTED%20PROPERTY%20-%20REVISED%20NOV%202016_0.pdf)

### **Reinspection and response of Landlord**

2. The tribunal inspected the Property on 3 February 2025. A copy of a reinspection report prepared by the Ordinary Member is attached to this Decision.
3. It was found that repairs appeared to have been carried out to the central heating boiler and that the oil storage tank had been replaced. The certification required by the RSEO was not available at the inspection and had not been submitted prior to it.
4. The other items in the RSEO had not been complied with.
5. A copy of the reinspection report was sent to parties for comment.
6. The Third Party Applicant sent a copy of an EICR dated 14 November 2024 which it had received.
7. The Landlord submitted a response form in which he stated that he wanted the tribunal to consider a variation of the RSEO.

8. The Landlord stated that it was “near impossible to get tradesman to come.” He stated that a new window had been ordered, that he awaited paperwork from the heating contractor and that a roofer had been instructed but had not yet arrived.

### **Discussion and Decision**

9. The tribunal noted the EICR and determined that it was in satisfactory terms. It noted that steps had been taken in relation to the central heating system.
10. The Landlord has stated that he has had difficulty in getting tradespeople to carry out repairs to the Property. The tribunal had some sympathy because of the semi-rural nature of the location of the Property. It noted that some works had been done and, having regard to Section 25 (3) (b) (ii) of the Housing (Scotland) Act 2006, it determined to vary the RSEO and give the Landlord until 16 June 2025 to complete the works required by it.
11. Although the tribunal varied the RSEO, it considered it appropriate to stress that the Landlord requires to comply with the RSEO and that it is unlikely to allow more time for compliance. By 16 June 2025, the Landlord will have had almost ten months to comply with the RSEO.

**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.**

**25 March 2025**