

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Statement of Decision under Section 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/24/0919

Title no: Sasine search sheet , County of Angus 67016 ground with Henderson Cottage by NEWTYLE &c. thereon, on north side of a road, part of Farm and lands of COUSTON, in Parish of Newyle, described in Disp. to Mary Crawford McVicar, recorded GRS 15th January 1979 (Book 4119, Folio 26)

4 Henderston Cottages, Newtyle, Angus PH12 8UT (“The Property”)

The Parties:-

- **Mr Ian McCall, Mr Andrew McCall, Mr Angus McCall, Henderston Farm, Angus PH12 8UT (“The Respondents and landlords”)**

The Tribunal comprised:-

Ms Gabrielle Miller	-	Legal Member
Mr David Godfrey	-	Ordinary Member (Surveyor)

1. **The First Tier Tribunal for Scotland (Housing & Property Chamber) (“the Tribunal”), having made such enquiries as was appropriate for determining whether the Landlord had complied with the Repairing Standard Enforcement Order (“RSEO”) in relation to the Property concerned and taking account of the subsequent re-inspection of the Property, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO**

Statement of Reasons

2. **Reference is made to the Determination of the Tribunal dated 16th July 2024 which decided that the Landlord had failed to comply with the duty**

imposed by Section 14(1)(b) of the Act and to the RSEO made by the Tribunal which required the Landlord to carry out works to ensure that the Property meets the repairing standard.

3. The Tribunal required the Landlord to carry out such work as is necessary for the purpose of ensuring that the Property concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of the Order is made good.
4. In particular, the Tribunal required the Landlord: -
 - a. Repair the roof covering, including but not limited to, the slate work, flashings, valley gutters and ridge to ensure that the property is wind and watertight;
 - b. Repair the chimney stacks and ancillary flashings to ensure that the Property is wind and watertight;
 - c. Investigate the source of dampness to the lower walls of the master (westmost) bedroom and carry out all necessary repairs to ensure that the lower walls in this area are free from dampness;
 - d. Repair the window in the Living Room to ensure that it is wind and watertight; and
 - e. Install a suitable surface water drainage system to ensure that the exterior of the house is in a reasonable state of repair and to prevent further damage to the property as a result of flooding. Evidence of the work as it progresses should be recorded and supplied to the tribunal when complete.
5. The said works were to be carried out and completed within a period of 6 weeks from the date of the service of the Order. This expired on 4th December 2025. This was then varied on 22nd January 2025 to allow a further three months for the work to be completed.
6. On 29th April 2025, the Legal Member (Chair) and Ordinary Member (Surveyor) of the Tribunal carried out an inspection of the Property. Mr Andrew McCall was present for the Landlord. The Landlord's solicitor, Mr Jay Lawson of MML Law, was also present. The Tribunal found: -
 - a. The landlord has provided an invoice from NXTGEN Builders Ltd dated 19th November 2024 in respect of repairs to the pointing of the stonework and chimney stacks.
 - b. Repairs have been carried out to the roof covering and from an external inspection from ground level it appears to be wind and watertight.
 - c. The chimney stacks have been repointed and the flashings repaired.

- d. The external wall finish to the west gable has been repointed and a vent installed to the chimney flue to provide ventilation.
 - e. The Living Room window has been replaced.
 - f. A suitable surface water drainage system has been installed to the exterior of the property.
7. The Tribunal noted that there were works in the RSEO that were outstanding following the re-inspection. However, these works were either in progress and minor or needed much more time to be remedied. The Tribunal is satisfied that the Repairing Standard had been met even though these works had not been fully completed. These works were:
- a. Minor finishing works are outstanding adjacent to the newly installed window in the Living Room however these are cosmetic in nature.
 - b. High damp meter readings were recorded in the lower walls of the westmost Bedroom however this is not unexpected as the wall will take time to dry out following the recent repairs.
8. A re-inspection Report was prepared dated 29th April 2025. A copy is attached.

Decision

9. The Tribunal considers the works specified in the RSEO have been substantially completed and have decided that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. The Tribunal members were unanimous in their decision.

Rights of Appeal

- 10. 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.**
- 11. 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.
G Miller

Chairing Legal Member of the Tribunal
Dated: 3rd June 2025

Housing and Property Chamber

First-tier Tribunal for Scotland



Reinspection report and schedule of photographs



Property: 4 HENDERSTON COTTAGES, NEWTYLE, ANGUS PH12 8UT

Ref No: FTS/HPC/RP/24/0919

Tribunal members: Ms G Miller & Mr D Godfrey

Purpose of inspection

The purpose of the inspection is to confirm that the works specified in the Repairing Standard Enforcement Order have been completed and prepare an updated photographic record of the condition of the property.

Access

The above Tribunal Members attended the property at 10:00 on 29th April 2025.

Access to the property was provided by the Landlord's representatives, Mr Andrew McCall and Mr Jay Lawson of MML Law.

The Tenant, Mr Gregory Dedman no longer resides in the property and it is presently vacant.

The Landlord, Mr Ian McCall was not present.

Repairing Standard Enforcement Order:

In particular the Tribunal requires the landlord to:-

- a) Repair the roof covering, including but not limited to, the slate work, flashings, valley gutters and ridge to ensure that the property is wind and watertight;
- b) Repair the chimney stacks and ancillary flashings to ensure that the Property is wind and watertight;
- c) Investigate the source of dampness to the lower walls of the master (westmost) bedroom and carry out all necessary repairs to ensure that the lower walls in this area are free from dampness;
- d) Repair the window in the Living Room to ensure that it is wind and watertight; and
- e) Install a suitable surface water drainage system to ensure that the exterior of the house is in a reasonable state of repair and to prevent further damage to the property as a result of flooding. Evidence of the work as it progresses should be recorded and supplied to the tribunal when complete.

Works in Repairing Standard Enforcement Order completed prior to re-inspection:

- 1. The landlord has provided an invoice from NXTGEN Builders Ltd dated 19th November 2024 in respect of repairs to the pointing of the stonework and chimney stacks.
- 2. Repairs have been carried out to the roof covering and from an external inspection from ground level it appears to be wind and watertight.
- 3. The chimney stacks have been repointed and the flashings repaired.
- 4. The external wall finish to the west gable has been repointed and a vent installed to the chimney flue to provide ventilation.
- 5. The Living Room window has been replaced.
- 6. A suitable surface water drainage system has been installed to the exterior of the property.

Works in Repairing Standard Enforcement Order outstanding following re-inspection:

- 1. Minor finishing works are outstanding adjacent to the newly installed window in the Living Room however these are cosmetic in nature.
- 2. High damp meter readings were recorded in the lower walls of the westmost Bedroom however this is not unexpected as the wall will take time to dry out following the recent repairs.

David Godfrey MRICS
Ordinary (Surveyor) Member
First-tier Tribunal for Scotland

29/04/2025

Appendix 1

Schedule of photographs taken during the reinspection on 29/04/2025.



Repointed west gable wall. Vegetation removed.



West elevation Chimney stack.



North elevation and garden excavated and reinstated where drainage installed.



Main chimney stack.



Replacement Double Glazed window in Living Room.