

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order

Housing (Scotland) Act 2006: Section 24 (2)

Chamber Ref: FTS/HPC/RT/25/0709

Craigdarroch Gardens Cottage, Moniaive, Thornhill, DG3 4JB being part of the Farms of Ballinie and Calside, in the parish of Glencairn, delineated and outlined red on the plan annexed to the Disposition to Humphrey Hugh Sykes and others as Trustees under maintenance Fund Settlement, recorded 31 July 1985 (under exception of two areas of woodland hatched red on said plan annexed to said Disposition), part of Craigdarroch Estate, referred to in the Disposition to Robert Sinclair-Scott, recorded 14 May 1952 which subjects are registered in the Register of Sasines and are currently subject to an application to the Land Register under title number DMF35811 ("the Property")

The Parties:-

Dumfries and Galloway Council Housing Standards, Militia House, Dumfries, DG1 2HR ("the Third Party Applicant")

Mrs Carin Sykes, Craigdarroch, Moniaive, Thornhill, DG3 4JB ("the Respondent" and "the Landlord")

Mr Christopher Freeman, sometime residing at Craigdarroch Gardens Cottage ("the Former Tenant")

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Mr Donald Wooley, Chartered Surveyor (Ordinary Member) ("the tribunal")

NOTICE TO

Mrs Carin Sykes

Whereas in terms of its decision dated 8 September 2025, the First-tier Tribunal for Scotland (Housing and Property Chamber) (the Tribunal) determined that the Landlord has failed to comply with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006, the Tribunal now makes a repairing standard enforcement order (RSEO) in the following terms and requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard in terms of Section 13 of the said Act and that any damage caused by the carrying out of any work in terms of this Order is made good:

The Landlord is required to carry out the following works:

- 1. The Landlord is required to fully investigate the cause and extent of the damp within the property and instruct a suitably experienced contractor to undertake the appropriate remedial action necessary to ensure that it is free from damp and mould. Any decoration damaged as a consequence of the remedial works undertaken should be made good. On conclusion of the works to eradicate damp and mould, the property should be in a reasonable state of repair, wind and watertight and in all other respects reasonably fit for human habitation.**
- 2. The Landlord is to repair or replace defective, broken or rotted windows ensuring that they are in a reasonable state of repair and in proper working order.**
- 3. The Landlord is required to produce 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 confirm that the C3 observations noted in the EICR already submitted to the Tribunal, dated 14 June 2024, as highlighted in paragraph 44 of the Decision of even date, have been satisfactorily addressed.**
- 4. The Landlord is to complete the installation of the central heating boiler ensuring that the property has satisfactory provision for heating.**
- 5. The Landlord is to reinstate the fireplace in the living room and, as required, make good any décor damaged in the course of the work.**

The Landlord requires to comply with the RSEO by 30 November 2025.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.

In witness whereof these presents typewritten on this and the preceding page are executed by Martin Joseph McAllister, legal member of the First-tier Tribunal for Scotland, at Glasgow on 15 September 2025 before Christopher Tracey, Glasgow Tribunal Centre, 20 York Street, Glasgow.

M McAllister

C Tracey