

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RT/19/2149

Title no: BNF5872

1 Institution Street, Macduff, Aberdeenshire, AB44 1UT ('The Property')

The Parties:-

Graham Earle and Adele Earle residing at 3 Tannery Street, Banff, Aberdeenshire, AB45 1ER ('the Landlord').

Aberdeenshire Council, Gordon House, Blackhall Road, Inverurie, AB51 3WA ('Third Party')

Mark Lee and Ruth Lee residing at 1 Institution Street, Macduff, Aberdeenshire, AB44 1UT ('the former Tenants').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Angus Anderson (Ordinary Member).

One. The Repairing Standard Enforcement Order.

The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property dated 16th October 2019 which required the Landlord to:-

1. *Carry out such repairs as are necessary to render the electrical installation in a reasonable state of repair and exhibit a valid and compliant EICR Certificate.*

2. *Install:*

2.1 *One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.*

2.2 *One functioning smoke alarm in every circulation space, such as hallways and landings.*

2.3 *One heat alarm in every kitchen and*

2.4 *All alarms should be interlinked and the installation should comply with the regulations.*

3. *Replace the carbon monoxide alarm in compliance with the regulations.*

4. *Repair or replace the front door to render it in a reasonable state of repair and proper working order.*
5. *Reinstate and repair or replace the hall carpet to render it in a reasonable state of repair.*
6. *Resolve the source of damp penetration to the Property, (including the walls in the sitting room, gas meter cupboard, lower hall, upper bedrooms, bathroom and landing) and carry out such repairs as are necessary to prevent further damp ingress followed by remedial works to damp-damaged finishes and decorations.*
7. *Repair or replace the gas meter cupboard door to render it in proper working order.*
8. *Repair or replace the defective floor in the bedroom next to the sitting room to render it in a reasonable state of repair.*
9. *Repair the tiles around the bath.*
10. *Repair or replace the back door to render it in a reasonable state of repair and proper working order.*
11. *Repair or replace the cupboard door in the first floor bedroom right to render it in a reasonable state of repair and proper working order.*
12. *Repair or replace the door of the landing cupboard to render it in a reasonable state of repair and proper working order.*
13. *Repair or replace the door of the external store to render it in a reasonable state of repair and proper working order.*

The Tribunal ordered that these works must be carried out and completed by 15th January 2020. The date was subsequently extended to 24th January 2021.

Two. The Re inspection on 26th October 2021.

The Tribunal attended at the Property on 26th October 2021. The former Tenants had vacated the Property in March 2020. The Tribunal issued a decision dated 14th February 2022 which determined that the Landlord had failed to fully comply with the RSEO as the Outstanding items (being items numbers 1,3,4,6,7,8,9,10,11 of the RSEO) of the RSEO had not been completed in terms of section 26(1) of the Housing (Scotland) Act 2006.

Three. Further Re inspections.

The Tribunal reinspected the Property on 26th April 2024, 12th March 2025 and 1st September 2025. The reinspection report dated 1st September 2025 is annexed and executed as relative hereto.

Four. The Landlord sent the Tribunal a photograph on 10th September 2025 showing that a bolt had been fitted to the door of the external store.

Five. Decision

5.1 The Tribunal was satisfied that the works specified in the RSEO had been satisfactorily completed.

5.2 As the required works had been satisfactorily completed the Tribunal determined that the RSEO has been complied with.

5.3 The decision of the Tribunal was unanimous.

6. Appeals

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.

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.

Chairperson J Taylor