



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Sections 26 and 27 of the Housing (Scotland) Act 2006 (“the 2006 Act”)

Reference number: FTS/HPC/RP/24/2498

Re: Inverhaggernie Farmhouse, Crianlarich, Stirlingshire, FK20 8RU (“the Property”)

Title Number: PTH47884

The Parties:

Mr Gary McKie (“the Tenant”)

Mr Peter Christie (“the Landlord”)

Tribunal Members :

Alastair Houston (Legal Member); Sara Hesp (Ordinary Surveyor Member)

Decision

The Tribunal, having made enquiries for the purposes of determining whether the Landlord has complied with the duty in terms of section 14(1)(b) of the 2006 Act in relation to the Property and taking account of representations received, determined that the Landlord has failed to comply with the Repairing Standard Enforcement Order dated 21 November 2024 (“the RSEO”). The Tribunal’s decision was unanimous.

1. Background

- 1.1 Reference is made to the decision of the Tribunal dated 21 November 2024 that the Landlord had failed to comply with their duty in terms of section 14(1)(b) of the 2006 Act in relation to the Property and the RSEO made following that determination.
- 1.2 In terms of the RSEO, the Landlord had been required to carry out certain works to the Property to ensure it met the repairing standard. In particular, the Tribunal required the Landlord to:-
 1. Remedy the damp and mould evident to the front, left hand side and rear elevations, and to the ceilings of the rear stairs and a bedroom ceiling; and
 2. Make good any decorative finishes affected by the above work.

- 1.3 The RSEO required the Landlord to ensure that this work was carried out within nine months of 21 November 2025. A further inspection took place on 8 September 2025. A report of this reinspection was produced and issued to the Landlord only, as the Tenant was no longer party to the application given that the tenancy between the parties had ended.
- 1.4 Following issuing of the reinspection report, further documentation and representations were received from the Landlord by email dated 29 September 2025, including invoices for work carried out to the Property.

2. Reasons For Decision

- 2.1 At the reinspection on 8 September 2025, the Tribunal noted that significant work had been undertaken in relation to redecoration of the Property. Whilst there did not appear to be any remaining issues of penetrating damp and mould growth, there was continuing evidence of rising damp within the Property, particularly on the lower levels. Walls that had been replastered were showing yellowing, indicating that this remained an issue.
- 2.2 The Tribunal took account of the invoices provided by the Landlord as evidence that some remedial work had been carried out. The Tribunal noted that none of the invoices provided referred to investigations or work carried out in relation to rising damp and, together with what was observed during reinspection, concluded that this issue remained and the RSEO had not been complied with.
- 2.3 The Tribunal is concerned that, contrary to section 28 of the 2006 Act, the Landlord indicated that the Property was to be relet, albeit the new tenant had not yet taken up occupation. Section 28 prohibits reletting of the Property whilst the RSEO remains in force. In terms of section 26(2) of the 2006 Act, the Tribunal is required to serve notice of the failure to comply with the RSEO on the local authority. As the Tenant was no longer party to the application and the tenancy agreement between the parties had come to an end, no Rent Relief Order was made.

Right of Appeal

In terms of Section 46 of the Tribunal (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 the decision was sent to them.

A Houston

Legal Member
5 November 2025