



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 26 of the Housing (Scotland)
Act 2006**

Chamber Ref: FTS/HPC/RP/24/4299

Re: 8 Whinknowe, Ashgill, Larkhall, ML9 3AP (“the Property”)

Parties:

Mr Malcolm Hobday, Mr Jonathan Wagstaff (“the Applicants”)

Mr Douglas Steen and executor(s) of Mr Bruce Scobbie (“the Respondents”)

Tribunal Members:

Andrew Upton (Legal Member) and Kingsley Bruce (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent has failed to comply with the Repairing Standard Enforcement Order dated 13 June 2025.

Statement of Reasons

1. On 13 June 2025, the Tribunal made a Repairing Standards Enforcement Order. In terms thereof, the Tribunal ordered the Respondent to undertake the following within 56 days:-
 - a. in respect of the window in the front bedroom on the first floor, replace the damaged glazing;
 - b. in respect of the window in the kitchen, to replace the defective window unit and the decayed external areas surrounding the window;
 - c. To put the extractor fan in the bathroom on the first floor into proper working order;
 - d. Obtain an Electrical Installation Condition Report;
 - e. In respect of the window in the bathroom on the first floor, to replace the defective window unit;

- f. To undertake works to the gutters at the rear elevation to ensure that surface water is collected and discharged to a downpipe leading to the public sewer, to test the gutters for leaks and to repair any leaks found.
2. By email dated 3 July 2025, the Applicant contacted the Tribunal to say that the Respondent had “gone out of his way to try and sort any problems with the property”, but did not specify what works had been done other than that the gutters had been cleaned.
3. The Tribunal issued notice to the Parties on 8 September 2025 that it intended to re-inspect the Property on 17 October 2025. The Parties both wrote to the Tribunal by return to advise that the Applicants were moving out of the Property at the end of September 2025.
4. The Tribunal attended at the Property on 17 October 2025 for the reinspection. No Party was in attendance. The Tribunal was unable to access the Property for the purposes of reinspecting it. The Tribunal noted that the window of the front bedroom still exhibited the damage referred to in the RSEO. A neighbour advised the Tribunal that the Applicants had moved out of the Property and that it was empty.
5. The Tribunal was unable to assess whether the Respondents had undertaken any works to comply with the RSEO. The Respondents have not replaced the damaged glazing in the front bedroom. The Respondents have not produced a copy of an Electrical Installation Condition Report which was required by the RSEO.
6. In terms of section 26 of the Housing (Scotland) Act 2006:-

“26 Effect of failure to comply with repairing standard enforcement order
(1) It is for the First-tier Tribunal to decide whether a landlord has complied with a repairing standard enforcement order made by the First-tier Tribunal.
(2) Where the First-tier Tribunal decides that a landlord has failed to comply with the repairing standard enforcement order, the First-tier Tribunal must—
 - (a) serve notice of the failure on the local authority, and
 - (b) decide whether to make a rent relief order.”
7. In the circumstances, the Tribunal decided that the Respondents have not complied with the RSEO. The Respondents have not replaced the glazing in the front bedroom. The Respondents have not produced an EICR. The Respondents did not allow access for the reinspection to assess compliance generally. The Tribunal will serve notice of the Respondents’ failure on the local authority.

8. In respect that the Applicants have removed from the Property and it is empty, the Tribunal decided not to make a rent relief order. Put simply, there is no rent being paid at the Property and therefore nothing to relieve.

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 Upton

17 October 2025

Legal Member/Chair

Date