



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 25(1)(a) of the Housing
(Scotland) Act 2006**

Reference number: FTS/HPC/RT/24/0830

Re: Property at 13 Shore Street, Macduff, Aberdeenshire, AB44 1UB (“the Property”)

The Parties:

**Mr William Stewart, Greenfold Farmhouse, Bridge of Marnoch, Huntly, Moray,
AB54 7UN (“the Landlord”)**

**Aberdeenshire Council, Landlord Registration, Gordon House, Blackhall Road,
Inverurie, Aberdeenshire, AB51 3WA (“the Third Party Applicant”)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined that it would be reasonable to vary the repairing standard enforcement order (“RSEO”) dated 22 July 2024 to extend the period for completion of the works by six months from the date of this decision.

The RSEO is therefore varied under section 25(1)(a) of the Housing (Scotland) Act 2006 (“the 2006 Act”).

Background

- 1 By decision dated 22 July 2024 the Tribunal determined that the Landlord had failed to comply with the duty under section 14(1)(b) of the 2006 Act and made an RSEO requiring the Landlord to:-

“(i) Inspect the windows in the property and carry out such works as are necessary to ensure they are wind, watertight and in proper working order;

“(ii) Inspect the structure and exterior of the property and carry out such works as are necessary to ensure the property is wind and watertight, including clearing and repairing the rain water fittings and repairing the external stonework and render;

“(iii) Inspect the drainage to the rear of the property and carry out such works as are necessary to ensure it is in proper working order and free from any blockages;

(iv) Submit to the Tribunal a current gas safety certificate and electrical installation condition report for the property;

(v) Install smoke, heat and carbon monoxide detectors in compliance with current statutory requirements; and

(vi) Carry out internal decoration to the property where necessary following the completion of the above works.”

- 2 By decision dated 7 January 2025 the Tribunal determined to vary the RSEO to extend the period for completion of the works by a period of three months.
- 3 On 5 March 2025 the Tribunal wrote to the Landlord's representative, Annie Kenyon Architects, requesting an update in advance of scheduling a re-inspection. On 11 March 2025 the Tribunal received an email from the Landlord's representative advising that the Landlord had quantified the works and had concluded that they were unsustainable, therefore the Landlord was looking to sell the property.
- 4 On 13 March 2025 the Tribunal issued a Direction to the Landlord requesting an update on the proposed sale of the property no later than 30 June 2025.
- 5 The Tribunal received no response to the Direction. On 2 July 2025 the Tribunal emailed the Landlord's representative seeking an update. The Landlord's representative replied on 7 July 2025 to advise again that the Landlord had decided to pause all works due to the cost estimates and there were no tenants in the property at present.
- 6 The Tribunal subsequently determined to hold a hearing to determine further procedure. The hearing was scheduled to take place on 7 November 2025 by teleconference. The Tribunal gave notice of the hearing to the parties.

The hearing

- 7 The hearing took place on 7 November 2025 by teleconference. The Landlord was represented by Ms Kenyon of Annie Kenyon Architects. The Third Party Applicant was represented by Ms Cheryl Craig.
- 8 The Tribunal heard evidence from the parties. The following is a summary of the key elements of the evidence and is not a verbatim account.
- 9 Ms Kenyon reiterated that the Landlord had taken the decision not to proceed with the works as the costs were prohibitive in terms of both the property value and the Landlord's financial status. The Landlord did not intend on re-letting the property. He had considered selling it but believed that the RSEO may impact the sale process, along with the condition of the property. The property currently lay empty. The Landlord was keen not to waste the Tribunal's time. He was asking the Tribunal to revoke the RSEO.

- 10 Ms Craig agreed that there are currently no tenants in the property, therefore from the Third Party Applicant's point of view the works aren't particularly urgent. However, she noted that if the RSEO was revoked the property could still be let to new tenants in its current condition. Ms Craig pointed out that the property had been let by the Landlord to the former tenants in an inhabitable state, and this had only been picked up when the former tenants applied to the Third Party Applicant's housing department. The Third Party Applicant could only take the Landlord's word that the property would not be re-let.
- 11 Ms Kenyon stated again that the Landlord does not intend on letting the property to new tenants. The Landlord has come to an impasse. He may be willing to put the property on the market to see if there was any interest.
- 12 The hearing concluded and the Tribunal determined to issue its decision in writing.

Reasons for decision

- 13 Section 25(1) of the 2006 Act states "*Where the First-tier Tribunal has made a repairing standard enforcement order, it may, at any time – (i) vary the order in such manner as it considers reasonable, or (b) where they consider that the work required by the order is no longer necessary, revoke it*".
- 14 The Tribunal carefully considered whether it should revoke the RSEO. The Tribunal accepted that the property is currently vacant, and that the Landlord has decided not to proceed with the works at this time due to the cost estimates. However, the Tribunal was conscious that if the RSEO were to be revoked, there would be nothing preventing the Landlord, nor any future owner of the property, from letting the property again in its current condition. The RSEO safeguards against this by ensuring the Landlord, or any future owner, is unable to re-let the property whilst the RSEO remains in place, as to do so would be a criminal offence. The areas of disrepair identified by the Tribunal which led to the RSEO are serious and pose significant health and safety risks to occupants. The Tribunal therefore concludes that it would be in the public interest for the RSEO to remain in place at this time.
- 15 The Tribunal then considered section 25(1)(a), and whether it should vary the RSEO and allow further time for the Landlord to comply.
- 16 The Tribunal is of the view that the Landlord may be unaware of the implications of the RSEO and what steps he requires to take to comply with the order, or to satisfy the Tribunal that the RSEO should be revoked. Accordingly, whilst no significant progress has been made on the disrepair since the expiry of the RSEO, the Tribunal considered that it would be reasonable for the RSEO to be varied to provide the Landlord with further time to complete the works. The Landlord may wish to seek independent legal advice if he requires further guidance regarding the legal process.

- 17 If the property is sold meantime, the Landlord should provide the Tribunal with the date of sale and contact details for the new owner(s).
- 18 The Tribunal therefore determined to vary the RSEO under section 25(1)(a) of the 2006 Act to extend the period of time for completion of the works by six months. The decision of the Tribunal was unanimous.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or 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 determined.

R O'Hare

17 November 2025

Legal Member/Chair

Date