



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

Reference number: FTS/HPC/RP/24/2849

Re: Property at Flat 2, Malcolm Street, Wick, KW1 5AF (“the Property”)

The Parties:

**The Trustees of the Roman Catholic Diocese Of Aberdeen, St Marys House, 14
Chanony, Old Aberdeen, Aberdeen, AB24 1RP (“the Landlord”)**

Tribunal Members:

Ruth O'Hare, Legal Member and Angus Anderson, Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined that the Landlord has made satisfactory progress in carrying out the work required by the Repairing Standard Enforcement Order (“RSEO”) made by the Tribunal on 23 December 2024. The Tribunal therefore varied the RSEO under section 25(1)(a) of the 2006 Act to extend the period for completion of the works by two months.

Background

- 1 By decision dated 23 December 2024 the Tribunal determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the 2006 Act and made a RSEO under section 24(2) requiring the Landlord to:-
 - (i) Instruct a roofing specialist to inspect the interior and exterior of the property and communal staircase and in particular, the roof and chimneys in order to identify the cause of water ingress and carry out such works as are necessary to ensure the roof is wind and watertight and thereafter to repair the damaged ceiling within the kitchen area;
 - (ii) Inspect the lounge and front bedroom windows of the property and carry out such works as are necessary to ensure that they are in a reasonable state of repair;

- (iii) Instruct a suitably qualified electrician to inspect the heating system in the property, and undertake any repairs or replacements required to ensure that the heaters are in a reasonable state of repair and in proper working order;
- (iv) Undertake such repairs and maintenance as are necessary to ensure the water installation is in a reasonable state of repair and in proper working order and thereafter to provide an updated Legionella Assessment and to submit this to the Tribunal;
- (v) Install smoke and heat detectors in the property in accordance with Scottish Government guidance;
- (vi) Repair or replace the external flood lights to ensure these are in proper working order; and
- (vii) Carry out any re-decoration required after completion of the works at (i) and (ii).

The Tribunal ordered that the works be carried out and completed within a period of three months.

- 2 By decision dated 28 May 2025 the Tribunal determined to vary the RSEO to extend the period for completion of the works by six months.
- 3 On 10 December 2025 the Tribunal received an email from the Landlord advising that the refurbishment of the property was almost complete. In summary, the windows had been replaced at the front of the building, the heating had been checked and repaired where necessary, a new kitchen and bathroom had been fitted, the outside front door of the building and all internal doors had been replaced and the outside drainage had been checked. The Landlord advised that only the floor coverings and redecoration remained to be completed. Photographs of the refurbishment were provided.

Reasons for decision

- 4 Section 25 of the 2006 Act states:-

“(1) Where the First-tier Tribunal has made a repairing standard enforcement order, it may, at any time— (a) vary the order in such manner as it considers reasonable, or (b) where it considers that the work required by the order is no longer necessary, revoke it.

(2) Where subsection (3) applies, the First-tier Tribunal must vary the repairing standard enforcement order in question— (a) so as to extend, or further extend, the period within which the work required by the order must be completed, and (b) in such other manner as it thinks fit.

(3) This subsection applies where— (a) the First-tier Tribunal considers, on the submission of the landlord or otherwise, that the work required by a repairing standard enforcement order has not been, or will not be, completed during the

period within which the order requires the work to be completed, and (b) the First-tier Tribunal — (i) considers that satisfactory progress has been made in carrying out the work required, or (ii) has received a written undertaking from the landlord stating that the work required will be completed by a later date which the First-tier Tribunal consider satisfactory.

(4) References in this Act (including this section) to a repairing standard enforcement order or to work required by such an order are, where the order has been varied under this section, to be treated as references to the order as so varied or, as the case may be, to work required by the order as so varied.”

- 5 The Landlord has asked the Tribunal to consider revoking the RSEO at this time. The Tribunal considers it is not yet able to consider revocation as it is clear from the photographs produced that the works are yet to be completed in full. This includes the redecoration required under part (vii) of the RSEO. The Tribunal was however satisfied based on the evidence before it that the Landlord has made significant progress in carrying out the works required by the RSEO. The Tribunal therefore determined to vary the RSEO to extend the period for completion of the works by a further period of two months. The Landlord should contact the Tribunal once the works are complete with any supporting evidence, at which point the Tribunal will consider whether a reinspection is required before determining if the RSEO can be revoked.
- 6 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

13 January 2026

Legal Member

Date



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

Variation of a Repairing Standard Enforcement Order under Section 25(1)(a) of the Housing (Scotland) Act 2006

Reference number: FTS/HPC/RP/24/2849

Re: Property at Flat 2, Malcolm Street, Wick, KW1 5AF ("the Property")

The Parties:

The Trustees of the Roman Catholic Diocese Of Aberdeen, St Marys House, 14 Chanony, Old Aberdeen, Aberdeen, AB24 1RP ("the Landlord")

Tribunal Members:

Ruth O'Hare, Legal Member and Angus Anderson, Ordinary Member

The First-tier Tribunal for Scotland (Housing and Property Chamber ("the Tribunal") having determined on 13 January 2026 that the Repairing Standard Enforcement Order relative to the house made on 23 December 2024 should be varied, the said Repairing Standard Enforcement Order is hereby varied as follows:

(i) To extend the period for completion of the works by two months.

Section 25(3) applies in this case.

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.

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.

R O'Hare

Chairperson

13 January 2026