

Housing and Property Chamber
First-tier Tribunal for Scotland



Statement of Decision: Section 25(1) of the Housing (Scotland) Act 2006: (the Act).

Chamber Ref: FTS/HPC/RT/25/0709

Craigdarroch Gardens Cottage, Moniaive, Thornhill, DG3 4JB being the subjects registered in the Register of Sasines and currently subject to an application to the Land Register under title number DMF35811 (“the Property”)

The Parties:-

Dumfries and Galloway Council Housing Standards, Militia House, Dumfries, DG1 2HR (“the Third Party Applicant”)

Mrs Carin Sykes, Craigdarroch, Moniaive, Thornhill, DG3 4JB (“the Respondent” and “the Landlord”)

Mr Christopher Freeman, sometime residing at Craigdarroch Gardens Cottage (“the Former Tenant”)

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Mr Donald Wooley, Chartered Surveyor (Ordinary Member) (“the tribunal”)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) determines that the Repairing Standard Enforcement Order relative to the Property dated 8 September 2025 should be varied with effect from the date of service of this Decision as follows:-

The period allowed for the completion of the work required by the order is extended until 13 March 2026.

Background

1. The tribunal inspected the Property on 26 August 2025 and made a Decision dated 8 September 2025. On 19 September 2025, the tribunal issued the Decision and a repairing standard enforcement order (RSEO) in the following terms:

1.1 The Landlord was required to fully investigate the cause and extent of the damp within the property and instruct a suitably experienced contractor to undertake the appropriate remedial action necessary to ensure that it is free from damp and mould. Any decoration damaged as a consequence of the remedial works undertaken should be made good. On conclusion of the works to eradicate damp and mould, the property should be in a reasonable state of repair, wind and watertight and in all other respects reasonably fit for human habitation.

1.2 The Landlord was to repair or replace defective, broken or rotted windows ensuring that they are in a reasonable state of repair and in proper working order.

1.3 The Landlord was required to produce a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to confirm that the installation is "satisfactory," has appropriate RCD protection wholly compliant with the repairing standard and has no recommendations in the C1 or 2 category or F1 items for further investigation. It should also confirm that the C3 observations noted in the EICR already submitted to the Tribunal, dated 14 June 2024, as highlighted in paragraph 44 of this Decision, have been satisfactorily addressed.

1.4 The Landlord was to complete the installation of the central heating boiler ensuring that the property has satisfactory provision for heating.

1.5 The Landlord was to reinstate the fireplace in the living room and, as required, make good any décor damaged in the course of the work.

The Landlord was required to comply with the RSEO by 30 November 2025.

Reinspection and response of parties to Reinspection Report

2. The tribunal inspected the Property on 15 December 2025. The Landlord and Ms Kirk of the Third Party Applicant was in attendance. A copy of a reinspection report and schedule of photographs prepared by the Ordinary Member is attached to this Decision and is referred to for its terms.
3. It was found that the extent of damp present in the walls had reduced considerably since the original inspection and that there was evidence of residual damp as the Property continues to dry out. Penetrating damp remains an issue at the kitchen ceiling below the single storey roof.
4. Defective windows (with the exception of the kitchen window) had been replaced with modern double glazed units. The window in the kitchen had not been renewed.
5. An EICR compiled by Dumfries Electrical Services Ltd and dated 22 September 2025 had been submitted to the Tribunal.
6. Defective plasterwork where a former fireplace had been removed has been repaired and a new hearth area constructed. A new wood burning stove had been installed.
7. Parties were sent a copy of the Reinspection Report prepared by the ordinary member.
8. The Third Party Applicant intimated that it had no comment on the report.
9. The Landlord submitted written representations which did not dispute the content of the report.

10. The Landlord provided detail of the work which had been carried out and indicated that the kitchen window had been ordered and would be installed. She stated that the penetrating damp at the kitchen ceiling is “under investigation and subject to remedial works.”

11. The Landlord stated that she wanted the tribunal to consider a variation of the RSEO.

Hearing on 7 January 2026

12. A teleconference hearing was held on 7 January 2026. Ms Kirk of the Third Party Applicant participated.

13. The Landlord participated and indicated that she was calling from Gibraltar. In advance of the hearing, there had been intimation to the Tribunal that she would be doing so and that she was prepared to voluntarily give evidence from that location. The Landlord confirmed this at the outset of the hearing.

14. The ordinary member summarised findings from the reinspection, with reference to the report which had been sent to the parties.

15. The tribunal noted the terms of the EICR and determined that it was in satisfactory terms.

16. The Landlord accepted the terms of the reinspection report. She said that the kitchen window was due to be installed within days. She said that a roofing contractor had been consulted with regard to the water ingress to the kitchen ceiling.

17. Ms Kirk said that she agreed with the terms of the Reinspection Report.

Discussion and Determination

18. The tribunal noted that the RSEO had been substantially complied with. The tribunal had regard to Section 25 (3) (b) (ii) of the Housing (Scotland) Act 2006 and determined to vary the RSEO and give the Landlord until 13 March 2026 to complete the works required by it.

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.

In terms of Section 63 of the Act, 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.

M McAllister

**Martin J. McAllister, solicitor,
Legal Member of Tribunal.
8 January 2026**

Housing and Property Chamber

First-tier Tribunal for Scotland



First-Tier Tribunal for Scotland (Housing and Property Chamber) Re-inspection report



Rear Elevation and water courses

Property Craigdarroch, Gardens Cottage, Moniaive, DG3 4JB

Ref No: FTS/HPC/RT/25/0709

Surveyor: Donald Wooley MRICS

Previous inspection

The subject property was previously inspected on 26 August 2025 by the First-tier Tribunal for Scotland (Housing Property Chamber). Following the inspection, and subsequent hearing a Repairing Standard Enforcement Order (RSEO) was issued by both email and by post.

Access:

A re-inspection of the subject property was arranged for Monday 15 December 2025 at 2.00 pm.

I arrived at the property at 2.00 pm accompanied by Mr Martin McAllister the legal member of the Tribunal.

Access to the property was provided by the current tenant. The landlord, Mrs Carin Sykes and Ms Lisa Kirk of Dumfries and Galloway council, were present throughout the re-inspection.

Weather conditions at the time of the inspection were dry cold and sunny.

Both Tribunal members left the property at 3.00 pm

Purpose of re-inspection

The purpose of this re-inspection was to determine if the required works as detailed under the Repairing Standard Enforcement Order had been completed.

Work required under the Repairing Standard Enforcement Order (RSEO):

The Landlord is required to carry out the following works:

1. The Landlord is required to fully investigate the cause and extent of the damp within the property and instruct a suitably experienced contractor to undertake the appropriate remedial action necessary to ensure that it is free from damp and mould. Any decoration damaged as a consequence of the remedial works undertaken should be made good. On conclusion of the works to eradicate damp and mould, the property should be in a reasonable state of repair, wind and watertight and in all other respects reasonably fit for human habitation.
2. The Landlord is to repair or replace defective, broken or rotted windows ensuring that they are in a reasonable state of repair and in proper working order.
3. The Landlord is required to produce a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to confirm that the installation is "satisfactory," has appropriate RCD protection wholly compliant with the repairing standard and has no recommendations in the C1 or 2 category or F1 items for further investigation. It should also confirm that the C3 observations noted in the EICR already submitted to the Tribunal, dated 14 June 2024, as highlighted in paragraph 44 of the Decision of even date, have been satisfactorily addressed.

4. The Landlord is to complete the installation of the central heating boiler ensuring that the property has satisfactory provision for heating.
5. The Landlord is to reinstate the fireplace in the living room and, as required, make good any décor damaged in the course of the work.

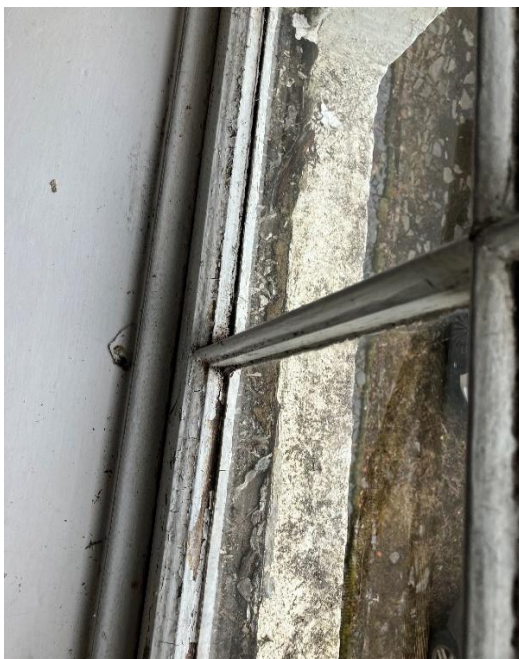
Site Observations



Main Bedroom window 26 Aug 2025



Main Bedroom window 15 Dec 2025



Second Bedroom window 26 Aug 2025
2025



Second Bedroom window 15 Dec
2025



Bathroom window 26 Aug 2025



Bathroom window 15 Dec 2025



Kitchen window 26 Aug 2025



Kitchen window 15 Dec 2025

Since the original inspection the, previously rotten/decayed bedroom and bathroom windows have been renewed with modern double-glazed replacements. The Tribunal was informed that the kitchen window, currently protected by timber composition board sheeting, is due to be renewed shortly and that a replacement fitting is on order.



26 August 2025



15 December 2025

Since the original inspection the defective plasterwork where a former fireplace had been removed has been repaired and a new “hearth area” constructed. In addition, the respondent has installed a new wood burning stove.



15 Dec 2025

The installation of the boiler has been completed and it was functioning satisfactorily at the date of reinspection.



Living room 26 Aug 2025



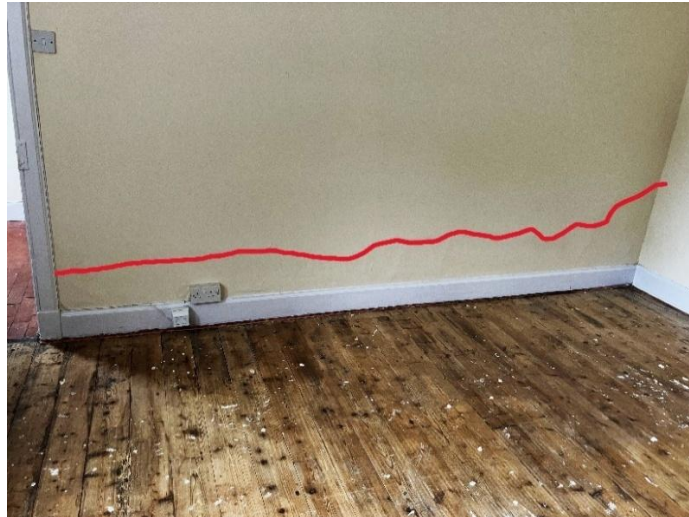
Living room 17 Dec 2025



Living room 26 August 2025

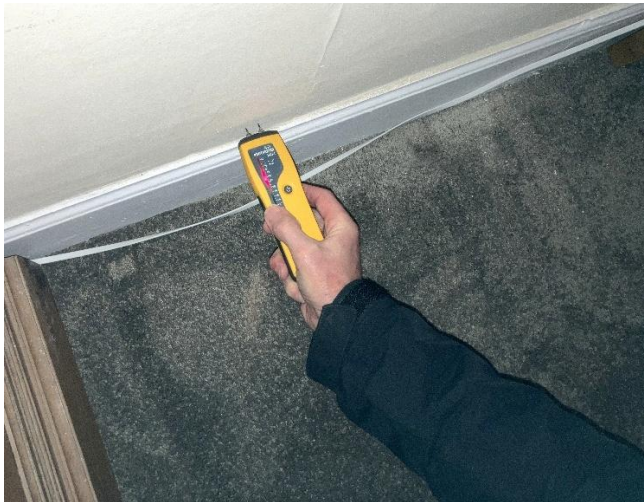


Living room 17 Dec 2025



26 Aug 2025

At the initial inspection visible damp staining and positive damp readings were identified at all areas below the red line on the dining room wall.



15 Dec 2025



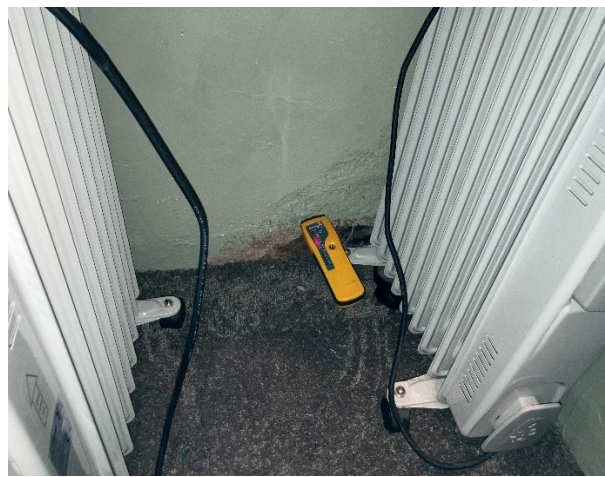
15 Dec 2025

During the reinspection access to the dining room wall was restricted due to the presence of substantial furniture. It was possible to take random moisture readings at the exposed areas of the wall. Where it had previously been saturated, damp levels where they remain are now considerably lower than previous readings, and no positive readings were obtained at several areas.

The wall, while not entirely dry is in the process of drying out. The property is currently occupied with functional heating. It had previously suffered flood damage and was unoccupied with no functional heating system at the date of the original inspection.



26 August 2025



15 Dec 2025

The internal wall in the pantry, was previously saturated, along the length of its base at floor level. This has since dried considerably although residual readings at a lower level remain towards one end of the wall. The drying of this area appears to be an ongoing process.



26 August 2025



15 Dec 2025

Penetrating damp remains below the roof specifically affecting the sloping section of kitchen ceiling close to the front wall.

Damp observations summary

The property is several hundred years in age and for historic reasons was constructed in very close proximity to and partially above two small, fast flowing, water courses.

Internally there are both solid and floating timber floors at ground level which appear to incorporate historic damp prevention measures. Throughout the ground floor the extent of damp present in the walls (skirting level) has reduced considerably since the original inspection. The remaining isolated readings are likely to represent

evidence of residual damp as the property continues to dry out. The proximity of the water courses will continue to represent a potential source of damp in the future.

Penetrating damp remains an issue at the kitchen ceiling below the single storey roof

EICR

An Electrical Installation Condition Report (EICR) was received by the Tribunal dated 14 June 2024. Prepared by Dumfries Electrical Services who are NICEIC registered, it contained no C1, C2 or F1 items of repair and confirmed adequate RCD protection.

Outstanding Repairs and items in RSEO:

As at the date of the reinspection, and on the basis that the damp previously affecting lower wall levels continues to dry out, the only outstanding issues relative to the RSEO comprise;

- Replacement/repair of kitchen window
- Eradication of penetrating damp at the kitchen ceiling

Comments:

This report will be passed to the parties for comment before being considered by the First-tier Tribunal for Scotland (Housing Property Chamber) prior to issuing their decision.

Donald Wooley

Donald Wooley MRICS
Ordinary Member
First-Tier Tribunal for Scotland
17 December 2025