

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order under Section 24(2) of the Housing (Scotland) Act 2006

Reference number: FTS/HPC/RT/25/1988

Re: Property at Foxhole, The Square, Mintlaw, Aberdeenshire, AB42 5EH as more particularly described in Title Sheet ABN50857 ("the Property")

The Parties:

Ms Bhamini Morgan ("the Tenant")

Mr Shahid Ali, 8 Woodside Crescent, Mintlaw, Peterhead, Aberdeenshire, AB42 5TE ("the Landlord")

Aberdeenshire Council - Private Sector Housing Team, Gordon House, Blackhall Road, Inverurie, Aberdeenshire, AB51 3WT ("the Third Party Applicant")

Tribunal Members:

Ruth O'Hare (Legal Member) and Angus Anderson (Ordinary Member)

Whereas in terms of their decision dated 16 January 2026, the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") and in particular that the landlord has failed to ensure that:-

- (i) the house is wind and watertight and in all other respects reasonably fit for human habitation; and
- (ii) the structure and exterior of the house (including drains, gutters and external pipes) is in a reasonable state of repair and in proper working order.

the Tribunal now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the Repairing Standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Tribunal requires the landlord to:-

- (i) Instruct a report from a damp and condensation specialist regarding the condensation in the rear extension and kitchen cupboard, submit the report to the Tribunal for consideration, and carry out any works thereafter as directed by the Tribunal. The report should identify the cause of any water ingress or condensation, and include remedial recommendations, where appropriate.
- (ii) Repair or replace the external door and doorframe and the window of the furthestmost room in the rear extension.
- (iii) Repair or replace the external windowsill of the window at the front of the property.
- (iv) Repair or replace the paving slabs in the back garden.
- (v) Repair or replace the cement slab covering the utility access point in the back garden.
- (vi) Repair the back garden wall.
- (vii) Repair the gas meter box, or provide written confirmation that this is the responsibility of another.
- (viii) Provide written confirmation from the electrician who completed the EICR that the C2 observation has been addressed.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of one month from the date of service of this Notice.

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Ruth O'Hare, Chairperson, c/o Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT in Aberdeen on 16 January 2026 before this witness:-

P Robb
witness

R O'Hare
Chairperson

c/o Glasgow Tribunals Centre, 20
York Street, Glasgow, G2 8GT