

Housing and Property Chamber
First-tier Tribunal for Scotland



Repairing Standard Enforcement Order
Ordered by the First-tier Tribunal for Scotland
(Housing and Property Chamber)

Chamber Ref: FTS/HPC/RP/25/3083

Chromain Cottage, Sandbank, Dunoon, PA23 8PN being the subjects registered in the Land Register of Scotland under title number ARG24229 ('The Property')

The Parties:-

Michelle Hamilton of 846 Kingsway, Manchester, M20 5WQ, the executor of the late William Russell ('the Landlord').

Kenneth Caldwell, Solicitor, Patten & Prentice, 2 Ardgowan Square, Greenock, PA16 8PP ('The Landlord's Representative')

Richard Byars, Chrisna Byars and Jane (Snr) Byars residing together at Chromain Cottage, Sandbank, Dunoon, PA23 8PN ('the Applicants').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Nick Allan (Ordinary Member).

NOTICE TO

Michelle Hamilton, the executor of the late William Russell

Whereas in terms of their decision dated 23rd March 2026 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 and in particular the Landlord has failed to ensure that: the house is wind and watertight and in all other respects reasonably fit for habitation, the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order and the fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and proper working order.

The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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:

(One) Repair or renew all defective guttering and downpipes (including the valley gutter).

(Two) Repair or renew the defective roof, roof coverings, flashings, soffits and fascias (including the chimney pot and loose and missing slates).

(Three) Repair or renew defective render finishes.

(Four) Repair the mould and damp to the kitchen ceiling.

(Five) Repair and secure the external wall vent.

(Six) Repair the water ingress to ceilings in the Property including the living room, hall way and front bedroom.

(Seven) Repair or replace the defective lock of the front door of the conservatory to render it in proper working order.

(Eight) Repair or replace the door to the shower cubicle to render it in proper working order.

The Tribunal orders that these works must be carried out and completed by **1st August 2026**

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.

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.*

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 and landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy agreement 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 typewritten on this and the preceding page are subscribed at Stevenston on 25th March 2026 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness

Signed..... **Jacqui Taylor**

Chairperson

Gerard Smith ..witness