

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 31 July 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 15 December 2025

2. The tribunal inspected the Property on 15 December 2025. The Landlord and Ms Kirk of the Third Party Applicant was in attendance.
3. The tribunal was satisfied that some work had been done to implement the terms of the RSEO. The tribunal determined to vary the RSEO to allow the Landlord more time to comply. The RSEO was varied and the Landlord was required to comply with it by 13 March 2026.

Reinspection 31 March 2026

4. The tribunal inspected the Property on 31 March 2026. The Landlord was in attendance.
5. A copy of a Re-inspection report prepared by the ordinary member is attached and is referred to for its terms.
6. The kitchen window had been renewed and is in a satisfactory condition.
7. Positive damp readings remain at the kitchen ceiling confirming that penetrating damp is still an issue at this area.
8. The Landlord indicated that, since the inspection of the Property on 15 December 2026, the roof slating above the kitchen had sustained storm damage and that the slating had been repaired. The Landlord said that her contractor had suggested the installation of lead flashing at the area indicated in the Re-inspection report. No quotations or other evidence of this was produced by the Landlord.
9. Parties were sent a copy of the Reinspection Report prepared by the ordinary member.
10. The tribunal received no comments on the Reinspection Report.

Determination

11. 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 31 July 2026 to complete the works required by it.

12. The tribunal noted the solution proposed by the Landlord in connection with the ingress of damp at the kitchen ceiling. It is suggested that the Landlord may consider it helpful to submit photographs and invoices relating to this work, once it has been completed.

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.
5 May 2026**