

Housing and Property Chamber
First-tier Tribunal for Scotland



Statement of Decision: Sections 25(1) and 60(5) 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

- (i) The tribunal determines that the Landlord has complied with the repairing standard enforcement order dated 8 September 2025.**
- (ii) The tribunal determines to issue a certificate in terms of section 60 (5) of the Housing (Scotland) Act 2006.**

Background

1. The tribunal inspected the Property on 26 August 2025 and made a Decision dated 8 September 2025. It made 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.

Variation of RSEO

2. The tribunal reinspected the Property on 15 December 2025 and 31 March 2026. On each occasion, the tribunal was satisfied that some work had been done and that the RSEO had been partially complied with. As a consequence, the tribunal varied the RSEO to give the Landlord more time to comply.
3. On 5 May 2026, the tribunal issued a decision in which it stated that the RSEO had been substantially complied with but that there was still evidence of ingress of damp at the kitchen ceiling. The decision stated that the Landlord had disclosed the works were planned. She said that it was intended that lead flashing be installed at the roof above the kitchen ceiling.

Compliance

4. On 9 June 2026, the Landlord emailed the Tribunal and stated that works had been carried out to the roof above the kitchen ceiling. She said that lead flashing had been installed at the junction between the single-story kitchen roof and that adjoining wall. She submitted photographs of the completed works and the tribunal was satisfied, on the balance of probabilities, that the lead flashing installed would resolve the damp ingress.
5. The tribunal determined that there had been compliance with the RSEO and that it should issue a certificate in terms of Section 60 (5) of the 2006 Act.

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.
19 June 2026**