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/26/0784

Re: Property at DAMHEAD, LUMSDEN, HUNTLY, ABERDEENSHIRE, AB54 4LQ under Title Number ABN166116 ("the Property")

The Parties:

Mr Ian Simpson ("the Tenant")

Mr Alisdair Taylor, Executors of Alexander Barlas, c/o Burnett & Reid LLP, 9 Queens Road, Aberdeen, AB15 4YL ("the Landlord")

ABERDEENSHIRE COUNCIL, PRIVATE HOUSING, Fleet Services, Harlaw Road, Aberdeen, AB51 4TE ("the Third Party Applicant")

Tribunal Members:

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

Whereas in terms of their decision dated 19 October 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) In respect of section 13(1)(a), the house is wind and watertight and in all other respects reasonably fit for human habitation.

(ii) In respect of section 13(1)(ha), the house is substantially free from damp and mould.

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) Repair the hole in the internal linings adjacent to the stove in the living room and make good any decoration.

(ii) Install a storm bar to the front door to prevent any wind or water ingress.

(iii) Wash down the internal surfaces of the bedroom and shower room that are affected by mould with a fungicidal solution and thereafter make good the decorations.

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 19 October 2026 before this witness:-

PATRICK ROBB

_ witness

RUTH O'HARE

Chairperson

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