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

Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RT/25/4563

Title no: ANG50243

Property at 15B City Road, Brechin, Angus DD9 6DN ("The Property")

The Parties:

Ms Amanda Lonie ("the Tenant")

Executors of the Estate of Mrs Joan Margaret Lyon, 89 Wheatfield Crescent, Shiregreen, Sheffield, South Yorkshire, S5 0JG ("the Landlord")

Angus Council, Angus House, Orchardbank Business Park, Forfar, DD8 1AN ("the Third Party Applicant")

The Tribunal comprised:-

Ms Gabrielle Miller	-	Legal Member
Mr David Godfrey	-	Ordinary Member

Whereas in terms of their decision dated 20th 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 -

a) The Property is wind and watertight and in all other respects reasonably fit for human habitation;

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:-

a) Investigate the dampness issues and to submit to the Tribunal for their further deliberation a report by a suitably qualified contractor or contractors on remedial measures necessary to ensure that the house is wind and watertight, in a reasonable state of repair and fit for human habitation. This should include details for comprehensive overhaul of the common chimney stack, roof tiles, skews, associated flashings and rain-water fittings. The report should also include any recommendations for any other remedial works and/or further actions to alleviate the dampness in the House. The report must be issued to the Tribunal for their further consideration within 30 days of the date of this Order. Any damage caused by the carrying out of any work in pursuance of the duty to ensure that the House meets the repairing standard should be made good. On completion of the works to ensure that the property is made wind and watertight, any necessary replastering of the damp affected interior walls and subsequent redecoration should be carried out.

The Tribunal order that the works specified in this Order together with making good any damage caused by carrying out any work for the purposes of complying with the duty to meet the repairing standard must be carried out and completed within the period of 3 months from the date of service of this Notice.

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.

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 pages are executed by Gabrielle Miller, Chair and Legal Member of the Tribunal at Glasgow on 20th October 2026 in the presence of the undernoted witness: -

G Miller

c/o