Housing and Property Chamber
First-tier Tribunal for Scotland

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/24/4299

Re: 8 Whinknowe, Ashgill, Larkhall, ML9 3AP ("the Property")

Parties:

Mr Malcolm Hobday, Mr Jonathan Wagstaff ("the Applicants")

Mr Douglas Steen and executor(s) of Mr Bruce Scobbie ("the Respondents")

Tribunal Members:

Andrew Upton (Legal Member) and Kingsley Bruce (Ordinary Member)

Decision (in absence of the Applicants)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Respondent has complied with the Repairing Standard Enforcement Order dated 13 June 2025 and accordingly revoked it.

Statement of Reasons

1. On 13 June 2025, the Tribunal made a Repairing Standards Enforcement Order. In terms thereof, the Tribunal ordered the Respondent to undertake the following within 56 days:-

    a. in respect of the window in the front bedroom on the first floor, replace the damaged glazing;
    b. in respect of the window in the kitchen, to replace the defective window unit and the decayed external areas surrounding the window;
    c. To put the extractor fan in the bathroom on the first floor into proper working order;
    d. Obtain an Electrical Installation Condition Report;
    e. In respect of the window in the bathroom on the first floor, to replace the defective window unit;

f. To undertake works to the gutters at the rear elevation to ensure that surface water is collected and discharged to a downpipe leading to the public sewer, to test the gutters for leaks and to repair any leaks found.

2. On 2 November 2026 the Tribunal, on the Respondent's application, carried out a reinspection to determine whether the RSEO had been complied with. The Respondent was represented by his letting agents, Keyside Properties. The Applicants are no longer tenants of the Property, having move out some time ago.

3. The Tribunal was permitted unrestricted access to the Property for the purposes of the re-inspection. The Tribunal noted the following:-

   a. The glazing had been replaced in the window in the front bedroom on the first floor.
   b. The defective window unit in the kitchen and decayed external areas had been replaced.
   c. The extractor fan in the bathroom on the first floor was in proper working order.
   d. The defective window unit in the bathroom on the first floor had been replaced.

4. In respect of the EICR, this has been provided to the Tribunal. It was undertaken following the replacement of the main electricity board.

5. In respect of the gutters, those were inspected from the ground. The gutters remained discoloured. The fascia boards showed signs of water damage and decay. The Respondent's Representative explained that the gutters had been cleaned out and resealed at their joints. However, the issue was that the neighbour's gutter (at number 6) had been installed at an incorrect angle. This was applying pressure to the joint and causing it to pop open from time to time. The Property is a mid-terrace house. The gutters for the Property connect into the neighbouring gutters on either side. The Tribunal was advised that the relevant joint had been resealed twice since the RSEO had been issued. The Respondent's Representative remains in dialogue with the neighbours to try to reach a resolution. In those circumstances, the Tribunal was satisfied that the Respondent had complied insofar as he was able to with the requirement of the RSEO in respect of the gutters. There was no current issue with the gutters, and discussions were ongoing to avoid recurrence of the previous issues.

6. The Tribunal was satisfied that the Respondent has taken steps to comply with the RSEO. In those circumstances, the Tribunal is satisfied that the RSEO has been complied with. The Tribunal determined that the RSEO should be revoked.

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.

A Upton

03/11/2026

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Legal Member/Chair	**Date**