

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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

**Variation of a Repairing Standard Enforcement Order under Section 25(1)(a) of the Housing (Scotland) Act 2006**

**Reference number: FTS/HPC/RP/24/4431**

**Re: Property at 12a Coutts Building, Golf Road, Ballater, Aberdeenshire, AB35 5RE (“the Property”)**

**The Parties:**

**Mr Samuel Hollands, 12a Coutts Building, Golf Road, Ballater, Aberdeenshire, AB35 5RE (“the Tenant”)**

**Mrs Lucinda Fernie, Polmonier Cottage, Ballater, AB35 5TB (“the Landlord”)**

**Tribunal Members:**

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

The First-tier Tribunal for Scotland (Housing and Property Chamber (“the Tribunal”) having determined on 23 October 2025 that the Repairing Standard Enforcement Order relative to the house made on 8 September 2025 should be varied, the said Repairing Standard Enforcement Order is hereby varied as follows:

- (i) To require the Landlord to carry out the recommendations in the report from Wise Property Care dated 22 September 2025;
- (ii) To provide additional confirmation on the condition of the lower sections of the gable wall within the front room, and if additional works are necessary, to carry out these additional works; and
- (iii) To extend the period for completion of the works by one month.

Section 25(3) applies in this case.

**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.**

# R O'Hare

\_ Chairperson

**23 October 2025**