



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 25(1)(b) 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)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined to revoke the repairing standard enforcement order (“RSEO”) dated 8 September 2025.

Background

- 1 On 8 September 2025 the tribunal determined that the Landlord had failed to comply with the duty under section 14(1)(b) of the 2006 Act and made an RSEO requiring the Landlord to:-

“Instruct a report from a damp and condensation specialist, submit the report to the Tribunal for consideration, and carry out any works thereafter as directed by the Tribunal. The report should identify the cause of any water ingress or condensation, and include remedial recommendations, where appropriate.”

- 2 By decision dated 23 October 2025 the tribunal determined to vary the order 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.
- 3 The tribunal re-inspected the property on 16 February 2026. The weather was cold, dry and bright. The Landlord permitted access to the tribunal. The property was vacant at the time of the re-inspection. The Landlord confirmed that the tenancy had ended on 30 January 2026.
- 4 The tribunal observed that the repairs recommended in the report from Wise Property Care dated 22 September 2025 appeared to have been carried out. The Landlord's representative had provided an email dated 11 December 2025 from Wise Property Care that stated no damp was found at the lower sections of the gable wall. During the re-inspection, high damp meter readings of 55% were observed at the skirting board in the locations previously highlighted by the tribunal.
- 5 A report of the re-inspection is appended to this decision. The report was issued to the Landlord for comment. On 11 March 2026 the tribunal received written representations from the Landlord's representative, Laurie and Co Solicitors LLP. In summary, the Landlord's representative confirmed their agreement with the re-inspection report. The Landlord noted the high damp readings and was not overly satisfied with the work carried out to date. The Landlord had since instructed contractors to carry out further work to address the damp. The tenants of the property had been evicted after the Tribunal made an eviction order. The Landlord owned other properties in the vicinity which had been sold or were being marketed for sale. The Landlord intended to remove herself from the private rented sector and the property would not be re-let.

Reasons for decision

- 6 Section 25(1) of the 2006 Act states "*Where the First-tier Tribunal has made a repairing standard enforcement order, it may, at any time – (a) vary the order in such manner as it considers reasonable or (b) where it considers that the work required by the order is no longer necessary, revoke it*".
- 7 The tribunal determined that the Landlord intends to sell the property and the property will not be re-let. The tribunal accepted that she wishes to remove herself from the private sector. The tribunal further noted that the Tribunal had previously granted an eviction order on the grounds of the Landlord's intent to sell which had been accepted as genuine based on the evidence before the Tribunal in that case.
- 8 The tribunal therefore determined to revoke the RSEO under section 25(1)(b) of the 2006 Act as the work required by the order is no longer necessary.
- 9 The decision of the tribunal was unanimous.

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 determined.

Ruth O' Hare

30 March 2026

Legal Member/Chair

Date

Housing and Property Chamber First-tier Tribunal for Scotland



Housing (Scotland) Act 2006: Re-inspection Report

Property: 12a Coutts Building, Golf Road, Ballater, Aberdeenshire, AB35 5RE

Chamber Reference: FTS/HPC/RP/24/4431

Re-inspection Date: 16/02/2026 – 10.00am

Weather conditions: Cold, dry and bright, with similar conditions over the preceding few days.

In attendance: Mrs Lucinda Fernie, (landlord).

Tribunal Members: Ruth O'Hare, Legal Member, Angus Anderson, Ordinary Member.



Front/South East Elevation.

Repairing Standard Enforcement Order (RSEO)

Works required by the RSEO:

In particular the Tribunal requires the landlord to:-

- (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

Works in the RSEO undertaken:

- (i) The repairs recommended in the report from Wise Property Care dated 22 September 2025 appear to have been carried out;
- (ii) The landlord's representative forwarded an email dated 11/12/2025 from Wise Property Care that stated no damp was found at the lower sections of the gable wall. During the re-inspection, red/high damp meter readings of 55% were observed to the skirting board, in the locations previously noted at the Tribunal's initial inspection.

Observations/comment:

The property was vacant at the time of the re-inspection. The landlord confirmed that the tenancy had ended on 30/01/2026. This report will be distributed to the party and their representative for their comment. The report and comments received will be referred to by the Tribunal for consideration and further action.

Photographs were taken on the day of inspection and are attached.

Angus Anderson, MRICS; Date of report: 23/02/2026.