



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 25(1)(a) of the Housing
(Scotland) Act 2006**

Reference number: FTS/HPC/RT/24/0830

Re: Property at 13 Shore Street, Macduff, Aberdeenshire, AB44 1UB (“the Property”)

The Parties:

**Mr William Stewart, Greenfold Farmhouse, Bridge of Marnoch, Huntly, Moray,
AB54 7UN (“the Landlord”)**

**Aberdeenshire Council, Landlord Registration, Gordon House, Blackhall Road,
Inverurie, Aberdeenshire, AB51 3WA (“the Third Party Applicant”)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined that it would be reasonable to vary the repairing standard enforcement order (“RSEO”) dated 22 July 2024 to extend the period for completion of the works by six months from the date of this decision.

The RSEO is therefore varied under section 25(1)(a) of the Housing (Scotland) Act 2006 (“the 2006 Act”).

Background

- 1 By decision dated 22 July 2024 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:-

“(i) Inspect the windows in the property and carry out such works as are necessary to ensure they are wind, watertight and in proper working order;

(ii) Inspect the structure and exterior of the property and carry out such works as are necessary to ensure the property is wind and watertight, including clearing and repairing the rain water fittings and repairing the external stonework and render;

(iii) Inspect the drainage to the rear of the property and carry out such works as are necessary to ensure it is in proper working order and free from any blockages;

(iv) Submit to the Tribunal a current gas safety certificate and electrical installation condition report for the property;

(v) Install smoke, heat and carbon monoxide detectors in compliance with current statutory requirements; and

(vi) Carry out internal decoration to the property where necessary following the completion of the above works.”

- 2 By decision dated 7 January 2025 the Tribunal determined to vary the RSEO to extend the period for completion of the works by a period of three months. Reference is made to the decision of the Tribunal in this regard.
- 3 By decision dated 17 November 2025 the Tribunal determined to vary the RSEO to extend the period for completion of the works by a period of six months. Reference is made to the decision of the Tribunal in this regard.
- 4 On 25 June 2026 the Tribunal sought an update from the Landlord on his intentions regarding the property. On 25 June 2026, the Tribunal received an email from the Landlord's representative, Annie Kenyon Architects, advising that the property was on the market for sale.
- 5 The Tribunal considered that, as it was evident no works had been carried out, there would be no merit in carrying out a re-inspection of the property. The Tribunal considered that it could make a determination on the application in the absence of a hearing under Rule 18 of the Rules based on the Landlord's written representations.

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 – (i) vary the order in such manner as it considers reasonable, or (b) where they consider that the work required by the order is no longer necessary, revoke it*”.
- 7 The Tribunal carefully considered whether it should revoke the RSEO. The Tribunal noted that the property was currently on the market for sale. If the RSEO were to be revoked, there would be nothing preventing any future owner of the property, from letting the property again in its current condition. The RSEO safeguards against this by ensuring the Landlord, or any future owner, is unable to re-let the property whilst the RSEO remains in place, as to do so would be a criminal offence. The areas of disrepair identified by the Tribunal which led to the RSEO are serious and pose significant health and safety risks to occupants. The Tribunal therefore concluded that it would be in the public interest for the RSEO to remain in place at this time.
- 8 The Tribunal then considered section 25(1)(a), and whether it should vary the RSEO and allow further time for the Landlord to comply.

- 9 The Tribunal considered that the tenant vacated the property some time ago and the property is now on the market for sale. It can therefore be reasonably assumed that the Landlord has no intention of re-letting the property at this time. As such, the Tribunal considered that it would be reasonable to vary the RSEO to extend the period for completion of the works by a further six months. This should hopefully allow the sale of the property to progress, and for the intentions of any new owners to be confirmed, before the Tribunal reaches a final decision on the application.
- 10 The Landlord should provide the Tribunal with the date of sale and contact details for the new owner(s) if the sale concludes within the six month period.
- 11 The Tribunal therefore determined to vary the RSEO under section 25(1)(a) of the 2006 Act to extend the period of time for completion of the works by six months. 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 appeal is abandoned or determined.

R O'Hare

6 July 2026

Legal Member/Chair

Date