

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**



**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/23/2130**

**Sasines Description: ALL AND WHOLE the Farmhouse known as HILLHEAD OF BARRACK, AUCHNAGATT, in Parish of New Deer, part of lands of BARRACK and CRICHIE, described in Sasine of Principal and Professors of Marischal College in fee recorded P.R. 10<sup>th</sup> October 1816.**

**Hillhead of Barrack, Auchnagatt, Ellon, Aberdeenshire AB41 8TR  
("the House")**

**The Parties:-**

**Aberdeenshire Council, Infrastructure Services, Gordon House, Blackhall Road, Inverurie, Aberdeenshire AB51 3WA ("the Third Party Applicant")**

**Ms Sarah Wood, Hillhead of Barrack, Auchnagatt, Ellon, Aberdeenshire AB41 8TR  
("the Tenant")**

**Aberdeen Endowments Trust, 19 Albert Street, Aberdeen AB25 1QF  
("the Landlord")**

Whereas in terms of their decision dated 14 November 2023, 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 the House is:-

- (a) wind and watertight and in all other respects reasonably fit for human habitation; and
- (b) meets the tolerable standard.

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:-

1. To instruct a suitable contractor to carry out mould eradication work that may include washing down with a fungicidal solution and thereafter redecorate the bathroom and kitchen as necessary.
2. Instruct a reputable contractor to carry out such works as are necessary to the damp affected walls in the first floor bedrooms, lounge, bathroom, kitchen and ground floor boxroom to ensure that the walls are free from damp and to redecorate thereafter.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of five 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 page are executed Graham Harding, legal member of the Tribunal, at \_\_\_\_\_ on 20 November in the presence of the undernoted witness:-

G Harding

J Harding

witness

Legal Member

\_name in full

Address