

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

### **STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 24(1)**

**Chamber Ref: FTS/HPC/RT/24/1221**

**Property at South Blackbog, Oldmeldrum, Inverurie, AB51 0AG recorded in the General Register of Sasines for the County of Aberdeen, Search Sheet 14050, being part of the Farm of South Blackbog aforesaid ("the Property")**

#### **The Parties:-**

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

**Mr Roger Packer and Mrs Frances Packer, South Blackbog, Oldmeldrum, Inverurie, AB51 0AG ("the Tenants")**

**Simmers Ardmedden Limited, Ardmedden Farmhouse, Oldmeldrum, Inverurie, AB51 0AG ("the Landlord")**

#### **Tribunal Members:**

Gillian Buchanan (Chair) and Angus Anderson (Ordinary Member)

#### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14(1)(b) in relation to the Property determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Act.**

#### **Background**

1. Reference is made to the Hearing Note of the Tribunal dated 18 September 2024 in terms of which, following a Hearing on the application that day, the Tribunal resolved to issue a Direction under Rule 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 and adjourn the Hearing pending the Third Party and the Landlord producing the documentation and evidence required in terms of the Direction.

2. A Direction was subsequently issued by the Tribunal and intimated to the parties on 9 October 2024.
3. By email to the Tribunal dated 6 November 2024 Ms Cheryl Greig representing the Third Party produced to the Tribunal a copy of the tenancy agreement between the Tenants and the Landlord being an unsigned "Minute of Let" dated 1 December 2011.
4. The Landlord did not respond to the Direction.

### **Summary of Issues to be Determined**

5. Having regard to the evidence provided by the Third Party and considering the scope of the application as submitted to the Tribunal as to whether the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") the outstanding issue for determination is:-

Whether the installations in the house for the supply of water, gas and, electricity and (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order; and

### **Further Procedure**

6. Following the issuing of the Direction the Tribunal wrote to the Landlord and Third Party on 19 and 20 November 2024 respectively stating that the Tribunal considered the application could be determined without a further Hearing and intimating that if any of the parties wished to object to the Tribunal making a determination of the application without a Hearing then they should intimate their objection and their reasons for that objection no later than 5pm on Friday 29 November 2024. In the absence of any substantive objections the Tribunal stated that it would thereafter proceed to determine the application.
7. No objections were forthcoming. The Tribunal therefore proceeded to make a determination of the application.

### **Findings of Fact**

8. The tribunal finds the following facts to be established:-
  - (a) The Property was previously leased by the Landlord to the Tenants in terms of a "Minute of Let" dated 1 December 2011.
  - (b) The Landlord is registered as the landlord of the Property on the Scottish Landlord Register.
  - (c) It is the Landlord's responsibility to ensure that the Property meets the Repairing Standard under the Housing (Scotland) Act 2006.
  - (d) The Landlord applied to the Registration Department of the Third Party to renew its registration as a landlord in May 2023. The Landlord answered "No" to a question in the application relative to an Electrical Installation Condition Report ("EICR").
  - (e) The Landlord has been asked to provide an EICR relative to the Property and has failed to do so.

- (f) In the absence of a satisfactory EICR prepared by a suitably qualified contractor or skilled electrician the Tribunal does not have evidence that the Property meets the Repairing Standard.

### **Reasons for the decision**

9. The Landlord has failed to produce an EICR relative to the Property. The Tribunal is not therefore satisfied that the installations for the supply of electricity are in a reasonable state of repair and in proper working order.

### **Decision**

10. The Tribunal accordingly determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Act.
11. The Tribunal proceeded to make a Repairing Standard Enforcement Order (RSEO) as required by section 24(1).
12. The decision of the tribunal was unanimous.

### **Right of Appeal**

- 13. In terms of section 46 of the Tribunals (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 tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

### **Effect of section 63**

- 14. 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.**

G.Buchanan

Date : 25 August 2025 Legal

Member and Chairperson