

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 27 and Section 60 of the Housing (Scotland) Act 2006 ("the 2006 Act")

Chamber Ref: FTS/HPC/RT/21/3070

Property at Conland Farm Cottage, Forgue, Huntly, Aberdeenshire, AB54 6DR

Property Description:- Conland Farm Cottage, Forgue, Huntly, Aberdeenshire, AB54 6DR part of ALL and WHOLE the Lands and Estate of Bognie lying in the Parish of Forgue and County of Aberdeen described in the Deed altering the order of succession granted by Alexander Edward Forbes Morison in favour of himself and his heirs and assignees dated Twenty second January and recorded in the Division of the General Register of Sasines for the County of Aberdeen on Fourth February both months Nineteen Hundred and Fifteen and also described in Disposition by Charles Grant Brown and others as Trustees therein mentioned in favour of Alexander Gordon Morison recorded in the said Division of the General Register of Sasines on Fourth July Nineteen Hundred and Seventy Seven. ("the Property")

The Parties:-

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

**Ms Ellisa Corbett, Conland Farm Cottage, Forgue, Huntly, Aberdeenshire, AB54 6DR
("the Tenant")**

Mrs Karen King, Conland Farm, Forgue, Huntly, Aberdeenshire, AB54 6DR ("the Landlord")

BMF Group Trustees, Estate Office, Frendraught, Forgue, Huntly, Aberdeenshire, AB54 6BE ("the Head Landlord")

Tribunal Members:

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

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"), with reference to the Repairing Standard Enforcement Order ("RSEO") dated 7 July 2022 and, having considered the application by the Landlord for a Certificate of

Completion of Works and the outcome of the Tribunal's subsequent further enquiries in this regard, the Tribunal determined that a Certificate of Completion of Works should be issued in terms of Section 60(4) of the 2006 Act.

Background

1. Reference is made to the determination of the tribunal dated 7 July 2022 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act in that she had failed to ensure that the Property met the repairing standard. The works required by the RSEO were: -
 - i. To repair or replace the first floor and stair landing windows to ensure that they are in a reasonable state of repair and in proper working order
 - ii. To engage a suitably qualified roofing contractor to undertake an inspection of and thereafter undertake any works required to ensure the roof of the Property including the roof of the adjacent outhouse is wind and watertight and in a reasonable state of repair, and to repair and thereafter redecorate the ceilings on the first floor to put them into a reasonable state of repair.
 - iii. To repair or replace the gutters and downpipes of the Property including the adjacent outhouse to ensure they are in a reasonable state of repair and in proper working order.
 - iv. To engage a suitably qualified contractor to inspect and test the installations within the Property for the supply of space heating and hot water and to carry out such repairs or replacement of the installations to ensure that they are in a reasonable state of repair and in proper working order.
 - v. Within the bedroom situated to the right at the top of the stairs to the upper floor, to repair or replace the skirting boards to ensure that they are in a reasonable state of repair.
 - vi.
 - (a) To engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out a certificated electrical condition check (EICR) on the electrical installations of the Property and thereafter to undertake all works required to ensure that the entire system is safe and in proper working order.
 - (b) On completion of the works referred to in 6(i) above to provide to the tribunal a copy of the EICR with no items marked as Category 1 or Category 2.
 - vii. To install a carbon monoxide detector in the lounge to comply with the requirements of the relevant legislation; and
 - viii. To install within the Property sufficient smoke alarms and heat detectors that are mains wired or fitted with lifetime batteries and are interlinked and otherwise comply with the requirements of the relevant fire legislation.

2. In terms of the RSEO the tribunal ordered that the works specified in the RSEO must be carried out within a period of 12 weeks from the date of service thereof.

Previous Variations

3. By a Decision of the tribunal dated 19 October 2022 the period for completion of the works specified in the RSEO was extended by a period of 6 months and Notice to of a Decision to Vary the RSEO in terms of the Housing (Scotland) Act 2006, Section 25 was issued to that effect.
4. By a further Decision of the tribunal dated 25 May 2023 the period for completion of the works specified in the RSEO was extended by a period of 6 months and Notice to of a Decision to Vary the RSEO in terms of the Housing (Scotland) Act 2006, Section 25 was issued to that effect.
5. By a further Decision of the tribunal dated 5 December 2023 the period for completion of the works specified in the RSEO was extended by a period of 9 months and Notice to of a Decision to Vary the RSEO in terms of the Housing (Scotland) Act 2006, Section 25 was issued to that effect.
6. By a further Decision of the tribunal dated 1 October 2024 the period for completion of the works specified in the RSEO was extended by a further period of 9 months and Notice to of a Decision to Vary the RSEO in terms of the Housing (Scotland) Act 2006, Section 25 was issued to that effect.

Head Landlord's representations

7. There have been no further representations from the Head Landlord.

Landlord's representations

8. By email dated 6 June 2025 the Landlord's representative, Mr Thomas McFarlane of Shepherd & Wedderburn, stated:-

"Our client is currently in hospital, but we have spoken with her son who has confirmed that the works are now complete. The Council are attending on Monday 16 June to inspect the same and are expected to issue a completion certificate thereafter in connection with the building warrant etc.

As advised previously, our client has no intention of ever re-letting the Property in future – she is no longer registered as a landlord. The property has been purposely refurbished for our client to live in given her medical condition.

Will the Tribunal now carry out its own inspection and issue a completion certificate in respect of the RSEO?"

9. In response the Tribunal invited the Landlord to submit evidence to demonstrate compliance with the RSEO (including photographs) which would allow the Tribunal to determine how to proceed.
10. By email dated 26 June 2025, Mr McFarlane stated:-

"Please find attached photographs of the Property – you will note the modifications that have been made for our client in light of her condition. Our client still awaits the completion certificate from the Council, but that is expected shortly, the Council already having been out to inspect. Please let me know if you require anything further, or if the Tribunal will now issue a completion certificate in respect of the RSEO."

The photographs provided clearly illustrated the refurbished interior and exterior of the Property.

11. By email dated 22 July 2025 Mr McFarlane produced the following documents:-
- The Completion Certificate relating to the Building Warrant for the Property;
 - The Electrical Installation Certificate for the Property dated 5 February 2025; and
 - The Certificate of Design, Installation and Commission of a Fire Detection and Fire Alarm System dated 5 February 2025.

Mr McFarlane further stated:-

"Our client is in the process of obtaining a copy of the service/commissioning documents for the external boiler at the property, and we will provide the Tribunal with them as soon as possible. Additionally, our client has confirmed that there are no open fire places, log burners or gas appliances at Conland Cottage."

12. By email dated 12 August 2025 Mr McFarlane provided to the Tribunal the Oil Firing Servicing and Commissioning Report for the external oil boiler prepared by Derek Scott Plumbing and Heating Limited dated 1 August 2025.

Third Party representations

13. There have been no further representations from the Third Party.

Reasons for Decision

14. The tribunal carefully considered how to proceed in light of the representations received.
15. The Tribunal was satisfied based on the photographic and documentary evidence provided by the Landlord that the RSEO had been complied with.
16. The Tribunal therefore determined to issue a Certificate of Completion.
17. 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 is abandoned or determined.

G Buchanan

_Legal member

Date

8 October 2025