

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Completion of Work:- Housing(Scotland) Act 2006 section 60

Chamber Ref: PRHP/RT/16/0252

Title no/Sasine Description: The Subjects described in the Notice of Title of Louise Mary Cumming Baldavie Banff to a one half pro indiviso share recorded in the General Register of Sasines for the County of Banff on 9 October 2008 and the Disposition by John Barclay to Robert Cumming and Mary Margaret Jane Robertson or Cumming recorded GRS (Banff) 23 May 1969.

**Re. Little Blairshinnoch Farmhouse, Boyndie, Banff, AB45 3AR
("the property")**

The Parties:-

DOCTOR SUZANNE WARREN, formerly residing at Little Blairshinnoch Farmhouse, Boyndie, Banff, AB45 3AR
("the former tenant")

MRS MARY CUMMING and MISS LOUISE CUMMING, East Baldavie Farm, Banff, AB45 2EB
("the Landlords")

ABERDEENSHIRE COOUNCIL, Gordon House, Blackhall Road, Inverurie, AB51 3WA
("the third party Applicant")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") comprising Graham Harding (Legal Member); Angus Anderson (Ordinary Member)

The Tribunal hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 24 October 2016 and subsequently varied on 2 June 2017 and further varied on 5 December 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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.

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 date on which the appeal is abandoned or so determined.

In Witness Whereof these presents type written on this and the preceding page are executed by Graham Harding, Solicitor, Whitefriars House, 7 Whitefriars Crescent, Perth, PH2 0PA, Charing Member of the Tribunal at Perth on 18 May 2018.
before this witness:-

G Harding

_____ witness _____

_____ Legal member _____

GRAHAM HARDING
name in full

WHITEFRIARS HOUSE
address

7 WHITEFRIARS CRESCENT

PERTH

PH2 0PA

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**STATEMENT OF REASONS FOR CERTIFICATE OF COMPLETION OF WORKS:
Housing (Scotland) Act 2006 Section 26 of the First-tier Tribunal for Scotland
(Housing and Property Chamber) Procedure (Regulations) 2017**

Chamber Ref: PRHP/RT/16/0252

**Re: Little Blairshinnoch Farmhouse, Boyndie, Banff, AB45 3AR
("the property")**

The Parties:-

DOCTOR SUZANNE WARREN, formerly residing at Little Blairshinnoch Farmhouse,
Boyndie, Banff, AB45 3AR
("the former tenant")

MRS MARY CUMMING and MISS LOUISE CUMMING, East Baldavie Farm, Banff,
AB45 2EB
("the Landlord")

ABERDEENSHIRE COUNCIL, Gordon House, Blackhall Road, Inverurie, AB51
3WA
("the third party applicant")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal")
comprising Graham Harding (Legal Member); Angus Anderson (Ordinary Member)

DECISION

The tribunal having made such enquiries as are fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order dated 24 October 2016 as subsequently varied on 2 June 2017 and again on 5 December 2017 (hereinafter referred to as the "RSEO") in terms of Section 26 (1) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act"), decided that the works specified in the RSEO have been completed to the satisfaction of the tribunal and grants a Certificate of Completion to the effect of discharging the RSEO. The tribunal's decision is unanimous.

REASONS

1. Reference is made to the RSEO which required the Landlords to carry out the work by 31 March 2017. On 6 April 2017 the Ordinary Member of the Tribunal inspected the property. The Landlords had carried out some remedial works but other works were outstanding and on 2 June 2017 the tribunal granted a

variation of the RSEO and allowed the Landlords a further 3 months to complete the works.

3. On 31 October 2017, the Ordinary Member of the Tribunal carried out a further re-inspection of the property. This disclosed that all works required by the RSEO other than those relating to the kitchen had been completed. The tribunal subsequently determined by its decision of 5 December 2017 to allow the Landlords a further 3 months to complete the outstanding works and the RSEO was varied accordingly.
4. The Ordinary Member of the Tribunal re-inspected the property again on 3 April 2018. A copy of his Report is attached. The works had been satisfactorily completed.
5. The tribunal resumed consideration of the Application and determined that in view of the terms of the re-inspection report it was not necessary to hold a Hearing and it determined to issue a Certificate of Completion to the effect of discharging the RSEO.

APPEAL

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 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 Harding

18 May 2018

Legal Member _____ Date

Housing and Property Chamber First-tier Tribunal for Scotland



Housing (Scotland) Act 2006: Re-inspection Report

Property: Little Blairshinnoch Farmhouse, Boyndie, Banff AB45 3AR

Chamber Reference : PRHP/RT/16/0252

Re-inspection Date: 03/04/2018 - 12.30pm

Weather conditions: Cold, overcast and showery.

In attendance: Mary Cumming, Joint Landlord

Tribunal Member: Angus Anderson



Front Elevation.

*This is the report
referred to in the
foregoing statement
of Mr. Anderson*

G Harding

28/5/18

Repairing Standard Enforcement Order (RSEO)

Works required by the RSEO:

- (a) Repair or replace all the windows at the property exhibiting signs of decay or defective operating mechanisms, including repairing or replacing external or internal cills and to put the windows in a reasonable state of repair
- (b) Instruct a Raeburn Guild Engineer to carry out an inspection of the Raeburn stove in the kitchen of the property to confirm either that it is in proper working order and in reasonable state of repair or to carry out any recommended by the said Engineer.
- (c) Repair the cracks in the front and rear elevation walls and the right hand gable.
- (d) Make good all rainwater goods by repairing or replacing as necessary.
- (e) Repairing or replace defective kitchen unit drawers and cupboards.

Works in the RSEO undertaken:

- (a) Other than roof windows, all windows have been replaced and internal linings/cills made good.
- (b) The Raeburn stove and associated flue in the kitchen have been removed and an electric hob and built-in oven installed in its place.
- (c) The cracks in the front and rear elevation walls and the right hand gable have been repaired.
- (d) The rainwater goods have been completely replaced. There was no visible leakage during my inspection and all downpipes were found to be firmly attached.
- (e) The kitchen has been completely re-fitted with new built-in cabinets and worktops. Some finishing works are required, e.g. the plinths have still to be fitted after floorcoverings are in place.

Observations/comment:

In addition to the works required by the RSEO, the landlords have installed a new oil fired central heating boiler, a new wood burning stove in the Lounge and re-fitted the bathroom. Mrs Cumming stated that insulation works have been undertaken to the upper floor. The property appeared to be vacant and was unfurnished.

This report will be distributed to the parties and their representatives for their comment. The report and comments received will be referred to the Tribunal for consideration and further action.

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

Angus Anderson, MRICS; Date of report: 09/04/2018.

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

Re-inspection Report : Housing (Scotland) Act 2006

Schedule of Photographs

Little Blairshinnoch Farmhouse, Boyndie, Banff AB45 3AR

Chamber Reference : PRHP/RT/16/0252

Re-inspection Date: 03/04/2018



Figure 1 Front Elevation



Figure 2 Right hand gable elevation - cracks re-pointed, window replaced.



Figure 3 Front elevation left hand side - all guttering replaced, replacement windows, replacement chimney cans.



Figure 4 Left gable elevation/side addition - Windows and gutters replaced.



Figure 5 Rear elevation - windows and guttering replaced, new boiler flue present.



Figure 6 Rear left corner - both cracked areas re-pointed, windows and guttering replaced.

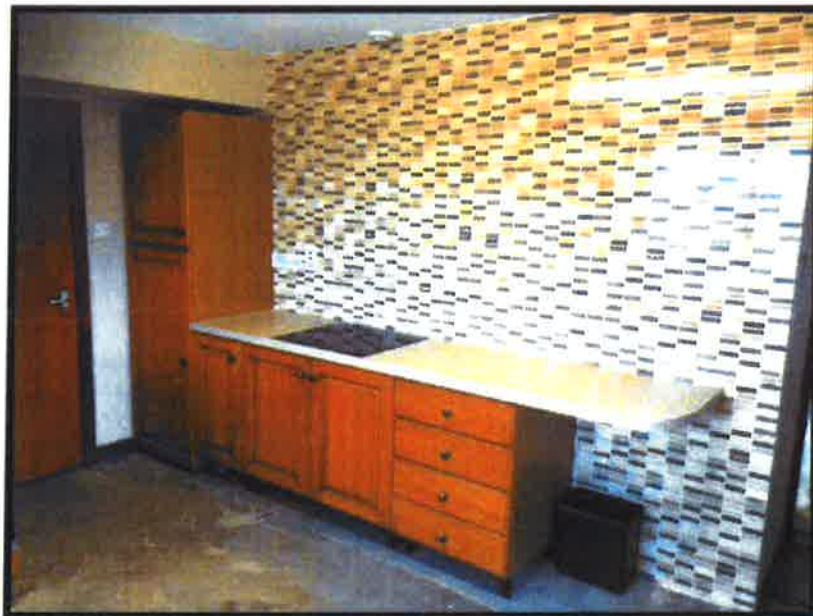


Figure 7 Kitchen - Stove removed, new cabinets, worktops and electric hob installed.



Figure 8 Kitchen - New cabinets, worktops and electric oven installed. New window and linings, typical throughout house.