

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/16/0309

Sasines Description: Crossroads Farmhouse, Keig, Alford, AB33 8DB being part of the subjects described in Disposition by Trustees under Settlement of Jonathan Andrew Forbes dated 28th August and recorded in the division of the General Register of Sasines for the County of Aberdeen on 16th September 1986 (Search Sheet number 1099).

House address: Crossroads Farmhouse, Keig, Alford, AB33 8DB ('The House')

The Parties:-

Aberdeenshire Council, Gordon House, Blackhall, Inverurie, represented by Miss Eilidh MacKay ('the Third Party Applicant')

Harthill Farms, Keig, Alford, AB33 8DB represented by their agent Jonathon Forbes ('the Landlords')

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal') hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the House dated 19th December 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the House has been discharged.

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 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 day on which the appeal is abandoned or so determined.

In witness whereof these presents typewritten on this and the preceding page are executed by Helen Forbes, solicitor, chairperson of the tribunal at Inverness on 28th April 2017 before this witness:-

M Forbes

Witness

H Forbes

Chairperson

Margaret Forbes, 67B Glenurquhart Road, Inverness, IV3 5PB

Housing and Property Chamber

First-tier Tribunal for Scotland



DETERMINATION BY FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)

Statement relative to the Certificate of Completion of work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 63 of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RT/16/0309

Sasines Description: Crossroads Farmhouse, Keig, Alford, AB33 8DB being part of the subjects described in Disposition by Trustees under Settlement of Jonathan Andrew Forbes dated 28th August and recorded in the division of the General Register of Sasines for the County of Aberdeen on 16th September 1986 (Search Sheet number 1099).

House address: Crossroads Farmhouse, Keig, Alford, AB33 8DB ('The House')

The Parties:-

Aberdeenshire Council, Gordon House, Blackhall, Inverurie, represented by Miss Eilidh MacKay, ('the Third Party Applicant')

Harthill Farms, Keig, Alford, AB33 8DB, represented by their agent Jonathon Forbes ('the Landlords')

Decision

1. Further to a decision of the First Tier Tribunal for Scotland (Housing and Property Chamber) dated 19th December 2016, the Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the House. The members of the Tribunal were Helen Forbes, Chairperson, and Colin Hepburn, Ordinary Member. Within eight weeks of the date of service of the RSEO, the Landlord was required to:-

Repair or replace the front door to ensure that the door is wind and water tight, and in a reasonable state of repair and in proper working order.

2. A re-inspection conducted by the Ordinary Member of the Tribunal took place on 15th March 2017 to verify that the works had been carried out.

3. On 3rd April 2017 the surveyor member produced a report with photographs for the Tribunal demonstrating that the above requirements of the RSEO had been complied with to a satisfactory standard. Said report with photographs is produced as relative hereto.
4. Thereafter, the Tribunal considered whether or not it was appropriate to find that the works required by the RSEO had been completed and the appropriate Certificate of Completion in terms of section 60 of the 2006 Act should be issued. The Tribunal agreed that the appropriate Certificate should be issued.

Right of Appeal

5. **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 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 the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decisions and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

H Forbes

Chairperson

First Tier Tribunal for Scotland (Housing and Property Chamber)
Date: 28th April 2017

This is the re-inspection report dated 3rd April 2017 referred to in the foregoing decision dated 28th April 2017

Housing and Property Chamber
First-tier Tribunal for Scotland



H Forbes

Chairperson

Re-inspection report

Date of inspection: 15th March 2017

Reference Number: PRHP/RT/16/0309

Property: Crossroads Farmhouse, Keig, Alford AB33 8DB

Surveyor: Colin F Hepburn

Access: Provided by Mrs Charlene Auld (the tenant)

In attendance: Mrs Charlene Auld, (the tenant) and Mr Jonathon Forbes, representing Harthill Farms and Mr Ian Bews, his Maintenance Manager.

Repairing Standard Enforcement Order (RSEO)

Whereas in terms of their decision dated 19th December 2016, the First-tier Tribunal for Scotland (Housing and Property Chamber) has determined that the landlords have failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlords have failed to ensure that:

- 1. The house is wind and watertight and in all other respects reasonably fit for human habitation;**
- 2. The structure and exterior of the House (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.**

Works required by the RSEO:

The Tribunal now requires the Landlords to carry out such work as is necessary for the purposes of ensuring that the House meets the repairing standard and that any damage caused by the carrying out of such work in terms of this Order is made good.

In particular, the Tribunal requires the Landlords to:

Repair or replace the front door to ensure that the door is wind and watertight, and in a reasonable state of repair and in proper working order.

Works in the RSEO undertaken:

The door has been repainted and repaired where necessary. Door seals have been installed and flooring around the front door where tested was now found to be dry.

In addition however, although not part of the RSEO the landlords have undertaken additional works which were noted under section 12 of the Statement of Decision dated 19th December 2016.

In particular the conservatory to the rear of the house has been substantially rebuilt, a failed sealed unit to a bedroom window has been replaced and damp staining to plasterwork at first floor level was tested and found to be dry. This follows works externally around the roof, skews and chimney heads.

It was however noted that notwithstanding the subject property had been vacated by the original tenant Mr Moorhouse and Ms Irving prior to the date of the original inspection on 30th November 2016, and the imposition of the RSEO as a consequence of the panel decision dated 19th December 2016 the landlord has re-let the property with effect from the 25th February 2017.

Outstanding works:

The works required in the RSEO have been completed.

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

Colin F Hepburn

3rd April 2017







