

Housing and Property Chamber

First-tier Tribunal for Scotland



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

REPAIRING STANDARD ENFORCEMENT ORDER: Housing (Scotland) Act 2006 section 24(2)

Chamber Reference: FTS/HPC/RT/19/4020

Sasines Description: Castle Lodge, Castle Street, Banff, which subjects form part and portion of ALL and WHOLE the subjects known as Castle of Banff being the subjects described in Disposition to the Trustees of Banff War Commemoration Fund recorded in the Division of the General Register of Sasines for the County of Banff on 24th May 1948.

House address: Castle Lodge, Castle Street, Banff, AB45 1DL ('the House')

The Parties

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

Banff Castle Community Association, Banff Castle, Castle Street, Banff, AB45 1DL ('the Landlords')

NOTICE TO

**Banff Castle Community Association, Banff Castle, Castle Street,
Banff, AB45 1DL**

Whereas in terms of their decision dated 24th August 2021, the First-tier Tribunal for Scotland (Housing and Property Chamber) has determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlord has failed to ensure that:

1. 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;
2. The installations in the House for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
3. The fixtures, fittings and appliances provided by the Landlord under the tenancy are not in a reasonable state of repair and in proper working order.

4. The House does not meet 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 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 to:-

1. Take such reasonable steps as are required to address the problems with the windows and external doors to ensure that they are in a reasonable state of repair and in proper working order;
2. Investigate and repair the leak above the kitchen ceiling, and redecorate as required;
3. Repair the gap between the skirting boards and the kitchen flooring;
4. Investigate the cause of water ingress into the cellar and take the necessary steps to prevent further ingress and dampness.

The Tribunal order that the works specified in this Order must be carried out and completed within a period of six weeks 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.

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 Property at any time during which a RSEO has effect in relation to the Property. This is in terms of Section 28(5) of the Act.

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 August 2021 before this witness Ishbel Wright, 20 Ardhholm Place, Inverness

Ishbel Wright


H FORBES

_____ witness

_____ chairperson