

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**Statement of Decision under Sections 25 and 27 of the Housing (Scotland) Act 2006**

**Chamber Reference: FTS/HPC/RP/18/3305**

**Sasines Description: Blair Atholl Railway Station which subjects form part of ALL and WHOLE that plot or area of ground extending to 1.61 hectares or thereby lying partly in the Parish of Blair Atholl and partly in the Parishes of Logierait and Little Dunkeld in the County of Perth being the subjects more particularly described in, and shown outlined and coloured red on the plan annexed and signed as relative to Notice of Title in favour of Railtrack recorded in the Division of the General Register of Sasines for the County of Perth on 31<sup>st</sup> December 1996.**

**House address: Station House, Blair Atholl Railway Station, Blair Atholl, by Pitlochry ('the House')**

### **The Parties**

**Mr Edward Morrow residing at Station House, Blair Atholl Railway Station, Blair Atholl, by Pitlochry ('the Former Tenant')**

**Abellio Scotrail Limited, 5<sup>th</sup> Floor, Culzean Building, 36 Renfield Street Glasgow, G2 1LU, c/o Amey Consulting and Network Rail Infrastructure Limited, 58 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0LQ ('the Landlords')**

### **Tribunal Members**

**Ms H Forbes (Legal Member)**

**Mrs D Scott (Ordinary Member)**

### **Decision**

**The Tribunal has decided to**

- (i) Revoke the Repairing Standard Enforcement Order dated 19<sup>th</sup> April 2019 in respect of the House;**
- (ii) Revoke the Rent Relief Order made on 10<sup>th</sup> December 2019.**

## **Background**

1. By application received in the period between 7<sup>th</sup> December 2018 and 4<sup>th</sup> January 2019, the Tenant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a determination as to whether the Landlords have failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ('the Act').
2. Following an inspection and hearing on 28<sup>th</sup> February 2019, the Tribunal found that the Landlords had failed to comply with the duties imposed by the Act. The Tribunal imposed an RSEO dated 19<sup>th</sup> April 2019 requiring the Landlords to carry out the following works:
  1. Repair the porch to ensure that it is suitably wind and watertight;
  2. Produce a satisfactory electrical safety certificate from a suitably qualified and registered SELECT or NICEIC electrical contractor on the installation within the House for the supply of electricity.
  3. Repair or replace the soffits to ensure that they are in a reasonable state of repair and in proper working order;
  4. Ensure that the moss is cleared from the roof and roof valley, thus ensuring that the gutters are put into proper working order.

The Tribunal ordered that the works specified in the RSEO were to be carried out within a period of 6 weeks from the date of service of the RSEO, which was 26<sup>th</sup> April 2019.

3. A re-inspection of the House was carried out on 26<sup>th</sup> August 2019 by the Ordinary Member of the Tribunal. The Ordinary Member noted that works had not been completed.
4. Following representations from both parties, the Tribunal decided that the Landlords had had sufficient time to carry out the works and had failed to do so, considering that the Landlords' failure to implement the RSEO amounted to a breach of the RSEO. By decision dated 10<sup>th</sup> December 2019, the Tribunal decided that a Rent Relief Order ("RRO") should be imposed, reducing the rent payable by 75%.

## **Reasons for Decision**

5. By email dated 27<sup>th</sup> June 2023, the Landlord's representative confirmed that planning permission had been granted dated 24<sup>th</sup> November 2021 for a change of use from residential to business use. The House is no longer in use as a residential property. The Tribunal had had sight of the planning permission documentation in another application between the same parties – FTS/HPC/RP/20/0116 – and was content that the work required by the RSEO was no longer necessary.

6. Accordingly, the Tribunal now revokes the RSEO and the RRO.

### **Right of Appeal**

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.

H Forbes

Legal Member and Chairperson

5<sup>th</sup> July 2023