

Housing and Property Chamber

First-tier Tribunal for Scotland



DETERMINATION by the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RT/20/0910

Property at Woodhill House & Bothy, Lumphanan, Banchory, Aberdeenshire, AB31 4PS ("the Property")

The Parties:-

**Aberdeenshire Council, Gordon House, Blackhall Road, Inverurie, Aberdeenshire, Ab51 3WA
("The Third Party")
(Represented by Mrs Emma Bain, Aberdeenshire Council)**

**Mr Matthew Tough and Mrs Alison Tough, Woodhill House & Bothy, Lumphanan, Banchory, Aberdeenshire, AB31 4PS
("the Tenants")**

**Mr Paul Dolan & Mrs Ella Dolan, 14735 Bramblewood Drive, Houston, Texas, 77079, United States of America
("the Landlords")**

Tribunal Members:

Gillian Buchanan (Chair) and Robert Buchan (Ordinary Member)

Background

1. On 21 September 2021, First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") issued a Determination which decided that the Landlords had failed to comply with the duty imposed by Section 14(1) of the Housing (Scotland) Act 2006 ("the 2006 Act"). On the same date, the Tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the Property.
2. In terms of the RSEO the tribunal ordered that the works specified in paragraphs 1, 5-8 and 10(iii) of the RSEO must be carried out within a period of 3 months from the date of service thereof.
3. Further, in relation to paragraphs 2(i), 3(i), 4(i), 9(i) and 10(i) of the RSEO the tribunal ordered that the specialist reports required in terms thereof must be delivered to the tribunal for consideration and approval within a period of 3 months from the date of service of the RSEO.

Previous Notices of a Decision to Vary the RSEO

4. By Notice of a Decision to Vary dated 17 March 2022 the tribunal allowed the Landlords an additional period of 6 months from the date of service thereof to complete the works required by the RSEO.
5. By a Decision of the tribunal dated 17 March 2022 the tribunal also approved the specialist report of Ray Brown & Co Limited relative to paragraphs 2(i), 3(i), 4(i), 9(i) and 10(i) of the RSEO.
6. By a further Notice of a Decision to Vary dated 8 December 2022 the tribunal allowed the Landlords an additional period of 3 months from the date of service thereof to complete the works required by the RSEO.

Representations

7. The tribunal received the following further representations:-
 - i. From the Landlord an email dated 20 December 2022 with letter dated 19 December 2022 attached.
 - ii. From the First Applicant an email dated 21 December 2022 confirming the Applicants' removal from the Property and the termination of the tenancy agreement on 11 December 2022.
 - iii. From Emma Bain on behalf of the Third Party an email dated 8 March 2023 with attachment.
 - iv. From the Landlord an email dated 9 March 2023 with attachment.

Re-inspection

8. On 27 April 2023 the Tribunal carried out an inspection of the Property. The Ordinary Member of the Tribunal prepared a Re-inspection Report.
9. By emails dated 6 and 9 May 2023 respectively the Respondents and the Third Party accepted the findings of the tribunal as detailed in the Re-inspection Report.
10. The Tribunal carefully considered the Re-inspection Report. Having considered the Tenants' application and made an RSEO, the Tribunal's sole remit is to determine whether the works required in terms of the RSEO have been undertaken such that the Property meets the Repairing Standard. The Tribunal concluded that all the works required in terms of the RSEO had been carried out and determined that the works were complete.

Determination

11. The Tribunal having considered that all works required in terms of the RSEO have been carried out is able to certify that the work has been done.
12. Accordingly the Tribunal determined to issue a Certificate of Completion in respect of the Property.

Appeal

13. 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.

G C Buchanan

Signed

Date

25 May 2023

Legal Member