

Housing and Property Chamber First-tier Tribunal for Scotland



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

Notice of a Decision to Vary a Repairing Standard Enforcement Order: Housing (Scotland) Act 2006 section 25

Chamber Reference: FTS/HPC/RP/22/0018

Sasines Description: Subjects forming part and portion of the farm and lands of Wester Calcots in the County of Moray being the subjects more particularly described in Feu Disposition to Robert Petrie Mutch recorded in the Division of the General Register of Sasines for the County of Moray on 26th May 1926

The Parties

Mr Kevin Lynch and Mrs Kelly Lynch, Wester Calcots Farm, Elgin, IV30 5PH (“The Tenants”)

Mr Alistair MacKay, Brackla Farm, Cawdor, Nairn, IV12 5QY (“The Landlord”)

Subjects: The Farmhouse, Wester Calcots Farm, Elgin, IV30 5PH (“the Property”)

The Tribunal having determined on 5th September 2022 that the Repairing Standard Enforcement Order relative to the House dated 18th May 2022 should be varied, the Tribunal hereby varies the Repairing Standard Enforcement Order to the effect that the period allowed for the completion of the works required by the Repairing Standard Enforcement Order is extended to 31st October 2022.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case

Right of Appeal

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 6th September 2022 before this witness Margaret Forbes, 67B Glenurquhart Road, Inverness

H Forbes

M Forbes

_____ Chairperson _____ Witness