

**Notice of a Decision to Vary  
A Repairing Standard Enforcement Order**

**Ordered by the Private Rented Housing Committee**

**Re :** Property at South Mains of Tillymorgan, Culsalmond, Inch being All and Whole Farm and Lands of South Mains of Tillymorgan, being the Lands particularly described in the in Disposition to Francis Middleton recorded in the general Register of Sasines on 20<sup>th</sup> December 1897 in the parish of Culsalmond. ("The Property")

**The Parties:** Mr F Buchanan, South Mains of Tillymorgan, Culsalmond, Inch ("the Tenant")

Mr Francis Massie and Mr Alexander Massie, trading as Alexander Massie & Sons, 6 Denwell Drive, Inch, Aberdeenshire ("the Landlords")

**NOTICE TO:** Mr Francis Massie and Mr Alexander Massie of Alexander Massie & Sons ("the Landlords")

The Private Rented Housing Committee having determined on 4 March 2010 that the **Repairing Standard Enforcement Order** relative to the Property served on 2 November 2009 should be varied, the said **Repairing Standard Enforcement Order** is hereby varied with effect from the date of service of this notice in the following respect:-

1. A further 2 months from the date of service of this Notice to Vary the Repairing Standard Enforcement Order be allowed for completion of the work.

**A landlord or a tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.**

Where such an appeal is made, the effect of the variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents type written on this page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 8<sup>th</sup> March 2010 before this witness:-

**R Graham**  
Witness

**J V Lea**  
..... Chairman

Rachel Graham  
Unit 3.5 Granary Business Centre  
Coal Road  
Cupar, Fife  
KY15 5YQ

## Determination by The Private Rented Housing Committee

### Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006

Property at South Mains of Tillymorgan, Culsalmond, Inch being All and Whole Farm and Lands of South Mains of Tillymorgan, being the Lands particularly described in the in Disposition to Francis Middleton recorded in the general Register of Sasines on 20<sup>th</sup> December 1897 in the parish of Culsalmond. ("The Property")

#### The Parties:-

Mr F Buchanan, South Mains of Tillymorgan, Culsalmond, Inch ("the Tenant")

Mr Francis Massie and Mr Alexander Massie, trading as Alexander Massie & Sons, 6 Denwell Drive, Inch, Aberdeenshire ("the Landlords")

#### Background

1. On 28 October 2009 the Private Rented Housing Committee issued a decision requiring the Landlords to comply with a Repairing Standard Enforcement Order made by the Committee on 28 October 2009.
2. The Landlords submitted a request for a Variation of the Repairing Standard Enforcement Order due to the fact that the North East of Scotland had suffered from extremely severe inclement weather since the middle of December 2009 and it had accordingly been impossible to carry out the necessary repairs to the property.
3. The request for the Variation of the Order was consented to by the tenant. The Committee accordingly agreed to grant the Landlord a period of a further 2 months to complete the work and issued a Variation of the Repairing Standard Enforcement Order.

#### Right of Appeal

1. A landlord or tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

#### Effect of section 63

2. Where such an appeal is made, the effect of the decision and of 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 decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

**J V Lea**

Signed ..... Date 8/3/10  
Chairperson