

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision: Housing (Scotland) Act 2006 (“the 2006 Act”), Section 60

Chamber Ref: FTS/HPC/RT/23/2130

**Hillhead of Barrack, Auchnagatt, Ellon, Aberdeenshire AB41 8TR
 (“The Property”)**

The Parties:-

Aberdeenshire Council, Infrastructure Services, Gordon House, Blackhall Road, Inverurie, Aberdeenshire AB51 3WA (“the Third Party Applicant”)

**Ms Sarah Wood, formerly residing at Hillhead of Barrack, Auchnagatt, Ellon, Aberdeenshire AB41 8TR
 (“the Tenant”)**

**Aberdeen Endowments Trust, 19 Albert Street, Aberdeen AB25 1QF
 (“the Landlord”)**

Tribunal Members

Graham Harding (Legal Member)

Angus Anderson (Ordinary Member)

DECISION

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”), having taken account of the findings of the re-inspection on 21 May 2024, the reinspection report annexed as a schedule to this decision, the documentation received from the Landlord’s representatives Ledingham Chalmers on 26 April 2024 and the Third Party on 30 April and 7 May 2024, the evidence obtained at the hearing at Aberdeen on 21 May 2024 together with the reasons for the Decision of the Tribunal and the Repairing Standard Enforcement Order served on the Landlord and dated 20 November 2023 determined that the Landlord has complied with the said Repairing Standard Enforcement Order.
2. The Tribunal issued a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006.
3. The Decision of the Tribunal was unanimous.

Findings in Fact

4. The Landlord has instructed a suitable contractor to carry out mould eradication work that included washing down walls with a fungicidal wash.
5. The Landlord has instructed a reputable contractor to carry out such works as were necessary to the damp affected walls in the first-floor bedrooms, lounge, bathroom, kitchen and ground floor boxroom to ensure that the walls are free from damp.
6. The Tenant has moved out of the property and has been rehoused.
7. The Landlord is preparing to market the property for sale with vacant possession.
8. The Landlord has carried out some redecoration at the property but has not fully redecorated.
9. There was no evidence of penetrating damp.
10. The property meets the repairing standard as specified in Section 13 of the 2006 Act.

Reasons for Decision

11. Reference is made to the full terms of (i) the Decision of the Tribunal and (ii) the Repairing Standard Enforcement Order ("RSEO") both served on the Landlord and dated 20 November 2023.
12. Following the re-inspection of the property on 21 May 2024 by the Tribunal and the subsequent hearing it appeared that the majority of the works specified in the RSEO have been completed. Whilst the Tribunal acknowledged that some redecoration had not been completed the Tribunal acknowledged that as it was likely that any purchaser of the property would wish to carry out extensive renovations at the property particularly to the bathroom and kitchen it was reasonable that no further decoration be carried out and that no purpose would be served by varying the RSEO. The Tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act on that basis.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

G Harding

Legal Member and Chairperson

Date 1 June 2024