

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Rent Relief Order under Section 27 of the Housing (Scotland) Act 2006 as amended

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 31st 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 Tenant')

Abellio Scotrail Limited, 5th 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')

NOTICE TO

Abellio Scotrail Limited, 5th Floor, Culzean Building, 36 Renfield Street Glasgow, G2 1LU

and

Network Rail Infrastructure Limited, 58 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0LQ

Whereas in terms of its decision of 8th December 2019, the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") has determined that the Landlords have failed to comply with the Repairing Standard Enforcement Order dated 19th April 2019 in respect of the House.

The Tribunal determined to make a Rent Relief Order in terms of Section 27 of the Housing (Scotland) Act 2006 ("the Act") as amended, reducing the rent payable under the tenancy for the House by an amount of 75% of the rent payable but for the Order. The rent reduction will take effect 28 days after the last date on which the decision may be appealed in terms of section 64 of the Act.

A Party 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 on which the decision was sent to them.

If a party seeks permission to appeal and this permission is refused, the decision will be treated as having effect from the day on which the refusal is made (unless the party then seeks permission from the Upper Tribunal to appeal the decision. In that event, if permission is refused, the decision is treated as having effect from the day on which the Upper Tribunal refuses the permission).

If permission for an appeal against the decision of the Tribunal is granted, then the effect of the decision and the Rent Relief Order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal. In the event that the decision is upheld, then the decision will be treated as having effect from the day on which the appeal is abandoned or so determined. The Rent Relief Order will be effective 28 days from the date on which the appeal is abandoned or so determined.

If an application for permission to appeal is received, then the Tribunal will notify you of this and the eventual outcome of that application and any subsequent appeal.

Helen Forbes

Legal Member/Chair
10th December 2019