

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**REPAIRING STANDARD ENFORCEMENT ORDER: Housing (Scotland) Act 2006 section 24(2)**

**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 26<sup>th</sup> 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 5PPH (“the Property”)**

### **NOTICE TO**

**Mr Alistair MacKay, Brackla Farm, Cawdor, Nairn, IV12 5QY**

(a) Whereas in terms of their decision dated 9<sup>th</sup> May 2022, the First-tier Tribunal for Scotland (Housing and Property Chamber) has determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlord has failed to ensure that the Property is wind and watertight and in all other respects reasonably fit for human habitation; the structure and exterior of the house (including drains, gutters and external pipes) is not in a reasonable state of repair and in proper working order; and the Property does not meet the tolerable standard, the Tribunal now requires the Landlord to:

1. Ensure the roof above the utility room is properly constructed and flashed, and the roof timbers are repaired or replaced;
2. Install suitable insulation to the roof and walls of the utility room;
3. Reinstate the interior walls and ceiling of the utility room;

4. Repair or replace the flooring throughout the utility room;
5. To the rear elevation, relocate or replace the downpipe by installing a new gully or downpipe;
6. To the side elevation, instal a second downpipe and gully close to the chimney;
7. To the front elevation, repair sections of corroded guttering and any broken downpipes;
8. Instal a bathroom extractor fan with humidistat;
9. Repair or replace both skylights and redecorate damaged areas:
10. Instruct a building surveyor or structural engineer to
  - (i) inspect the attic space and roof timbers to determine what work is required in the short term to repair damaged or decayed roof timbers.
  - (ii) determine whether there is water ingress in the roof space;
  - (iii) carry out any essential repairs.
11. Repair or replace the gate to the Property.
12. Repair or replace the fence around the Property;
13. Replace the void rendering to prevent water ingress. Consideration should be given to applying lime mortar pointing and/or render.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of three months from the date of service of this Notice.

**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 *18th* May 2022 before this witness Margaret Forbes, 67B Glenurquhart Road, Inverness, IV3 5PB

H Forbes

M Forbes

\_\_\_\_\_ chairperson \_\_\_\_\_ witness