



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006,  
Section 24**

**Chamber Ref: FTS/HPC/RT/21/3070**

**Property at Conland Farm Cottage, Forgue, Huntly, Aberdeenshire, AB54 6DR**

**Property Description:- Conland Farm Cottage, Forgue, Huntly, Aberdeenshire, AB54 6DR part of ALL and WHOLE the Lands and Estate of Bognie lying in the Parish of Forgue and County of Aberdeen described in the Deed altering the order of succession granted by Alexander Edward Forbes Morison in favour of himself and his heirs and assignees dated Twenty second January and recorded in the Division of the General Register of Sasines for the County of Aberdeen on Fourth February both months Nineteen Hundred and Fifteen and also described in Disposition by Charles Grant Brown and others as Trustees therein mentioned in favour of Alexander Gordon Morison recorded in the said Division of the General Register of Sasines on Fourth July Nineteen Hundred and Seventy Seven.  
("the Property")**

**The Parties:-**

**Aberdeenshire Council, Gordon House, Blackhall Road, Inverurie, Aberdeenshire, AB51 3WA  
("The Third Party")**

**Ms Ellisa Corbett, Conland Farm Cottage, Forgue, Huntly, Aberdeenshire, AB54 6DR  
("the Tenant")**

**Mrs Karen King, Conland Farm, Forgue, Huntly, Aberdeenshire, AB54 6DR ("the  
Landlord")**

**BMF Group Trustees, Estate Office, Frendraught, Forgue, Huntly, Aberdeenshire, AB54 6BE ("the Head Landlord")**

Whereas in terms of their decision dated June 2022, the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") and in particular that the Landlord has failed to ensure that:-

- (a) The house is wind and watertight and in all other respects fit for human habitation.
- (b) The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
- (c) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.

- (d) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
- (e) The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
- (f) The house does not meet the tolerable standard.

the tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the tribunal requires the Landlord:-

1. To repair or replace the first floor and stair landing windows to ensure that they are in a reasonable state of repair and in proper working order
2. To engage a suitably qualified roofing contractor to undertake an inspection of and thereafter undertake any works required to ensure the roof of the Property including the roof of the adjacent outhouse is wind and watertight and in a reasonable state of repair, and to repair and thereafter redecorate the ceilings on the first floor to put them into a reasonable state of repair.
3. To repair or replace the gutters and downpipes of the Property including the adjacent outhouse to ensure they are in a reasonable state of repair and in proper working order.
4. To engage a suitably qualified contractor to inspect and test the installations within the Property for the supply of space heating and hot water and to carry out such repairs or replacement of the installations to ensure that they are in a reasonable state of repair and in proper working order.
5. Within the bedroom situated to the right at the top of the stairs to the upper floor, to repair or replace the skirting boards to ensure that they are in a reasonable state of repair.
6. (i) To engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out a certificated electrical condition check (EICR) on the electrical installations of the Property and thereafter to undertake all works required to ensure that the entire system is safe and in proper working order.
- (ii) On completion of the works referred to in 6(i) above to provide to the tribunal a copy of the EICR with no items marked as Category 1 or Category 2.
7. To install a carbon monoxide detector in the lounge to comply with the requirements of the relevant legislation; and
8. To install within the Property sufficient smoke alarms and heat detectors that are mains wired or fitted with lifetime batteries and are interlinked and otherwise comply with the requirements of the relevant fire legislation.

The tribunal orders that the works specified in paragraph (a) of this Order must be carried out and the specialist report referred to therein delivered to the tribunal within the period of 12 weeks from the date of service of this Notice.

**In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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 house at any time during which a RSEO has effect in relation to the house.**

**This is in terms of Section 28(5) of the Act.**

In witness whereof these presents type written on this and the two preceding pages are executed by Miss Gillian Buchanan, Solicitor, 3rd Floor, Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT, Legal Member of the tribunal at Dundee on 7 July 2022 before this witness:-



witness



Legal Member

Jennifer Lynch name in full

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