



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

**STATEMENT OF DECISION**

Under Rule 26 of the First-tier Tribunal for Scotland Housing and Property Chamber Procedure Rules 2017 as amended and Section 25 of the Housing (Scotland) Act 2006.

Chamber Reference number: RP/16/0351

**PROPERTY:**

**ALL and WHOLE that area of ground upon which the cottage known as Barr Bheag, Taynuilt, Argyll PA35 1HY is erected; which area of ground forms part and portion of ALL and WHOLE that plot or area of ground at Am Barr, Barguilean, by Taynuilt, Argyll, extending to one hectare and seven hundredth parts of a hectare or thereby (2.65 acres) and being the area of ground outlined in red on the plan annexed and signed as relative to Disposition by Anthony Robin Marshall in favour of David Arthur Marshall, Mrs Anne Taylor and Kilbride Trustees Limited as Trustees therein mentioned dated Third December Two Thousand and Two and recorded in the division of the General Register of Sasines applicable to the County of Argyll on 10 January Two Thousand and Three**

**PARTIES:**

**Mr Nicholas Charlton, residing at Barr Bheag, by Taynuilt, Argyll PA35 1H (“the tenant”)**

**and**

**The Josephine Marshall Trust, Barguilean, Taynuilt, Argyll PA35 1HY (“the landlords”)**

**Tribunal Members: -**

**David M Preston (Legal Member) and Andrew Taylor, Surveyor (Ordinary Member)**

## **Decision of the Tribunal**

**The tribunal determines that the work required by the Repairing Standard Enforcement Order (“RSEO”) as varied by (1) Minute of Variation dated 12 June 2017 and (2) Decision of the Upper Tribunal dated 21 October 2020 is no longer required and that the RSEO should be revoked.**

The decision of the tribunal was unanimous.

## **Background**

1. By Decision of the Upper Tribunal dated 21 October 2020, the RSEO was, *inter-alia* conditionally revoked, said condition being that the revocation will only have the effect upon the obtaining by the landlords of a certificate by an independent chartered surveyor certifying that the property has been fully demolished.
2. On 24 November 2020 the landlords submitted a letter dated 19 November 2020 from Morham & Brotchie, Chartered Quantity Surveyors which confirmed that the property has been demolished and the site was in the process of being cleared of demolition materials and debris.
3. Accordingly the works specified in the RSEO are a longer necessary and it is appropriate that the RSEO be revoked and discharged.