

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 26(1) and 60 of the Housing (Scotland) Act 2006

**Chamber Ref:** FTS/HPC/RP/17/0337

**Title no/  
Sasines Description:** SS161

**Property:** 23 Kirkgate, Currie, Edinburgh EH14 6AP (“the house”)

**Proprietor:** The Earl of Rosebery (“the third party applicant”)

**The Parties:-** Ms Jill Robert, 23 Kirkgate, Currie, Edinburgh EH14 6AP (“the tenant”)

Mr John Steven and Ms Carolyn Steven (“the landlords”)

#### **Tribunal Members:**

Mark Thorley (Chairman)  
Robert Buchan (Ordinary Member)

#### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) have decided that the landlords have complied with the Repairing Standard Enforcement Order made on 9 May 2018 and that a Certificate of Completion of Works should be issued.

#### **Background**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) decided to make a Repairing Standard Enforcement Order which was dated 9 May 2018. In terms of that decision a significant amount of work required to be undertaken to the property which included –
  - (i) The rainwater fittings surrounding the house.
  - (ii) The holes in the gable wall.
  - (iii) The chimney repair.

- (iv) The outhouse building being in a state of collapse.
  - (v) All windows required to be looked at with a view to replacement.
  - (vi) Removal of damp from all over the building.
  - (vii) The property required to be made wind and watertight.
  - (viii) The doors need to be adequately fitted to ensure that they work appropriately and all water penetration to the building needed to be resolved.
2. It was clear that over a period of time a significant amount of work had been undertaken to the property. A reinspection took place on 24 January 2023. By that stage it was clear that –
- (a) Damp-proofing had been fitted and most of the stripped walls had been replastered.
  - (b) New windows had been fitted.
  - (c) New doors had been fitted.
3. There remained certain outstanding works to be undertaken –
- (i) Some of the relining of the walls was to be finished with reinstatement of some of the electrical fittings.
  - (ii) Dampness and rot to the areas of the interior below the chimney stacks was to be attended to once the roofing work had been carried out.
  - (iii) Repairs to the roof required to be concluded.
4. It was also clear that additional works had been carried out including new rainwater fittings, new kitchen and improvements to the heating system. The property had undergone a significant amount of work so far.

### **Reinspection – 24 July 2023**

A further reinspection was undertaken on this date.

Since the previous inspection it was identified –

- (a) Plaster had been stripped from the walls and the ceiling below one of the stacks, damp-proofing had been fitted and the stripped walls and ceiling had been replastered.
- (b) The windows had been replaced with UPVC framed double glazed windows.
- (c) The doors had been replaced with new composite doors and frames.
- (d) The roof had been re-slatted.

Subsequent to the reinspection the respondents provided a report from Aegis who dealt with the dampness to the property.

## Decision

1. The tribunal accepted that the work required by the RSEO has been carried out and decided that a Certificate of Completion of Works should be issued.
2. The property has been transformed from that which was viewed in 2018. The property has been completely renovated. The issues surrounding dampness have been dealt with. This has clearly been at no insignificant cost to the respondents.
3. Although it has taken some period of time to address the issues there was a significant amount of work to be undertaken. The tribunal are content that all the works as identified have now been carried out.
4. The decision of the tribunal was unanimous.

## Right of Appeal

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 date on which the appeal is abandoned or so determined.

Legal Member:



.....Mark Thorley .....  
Legal Member

30 October 2023.....  
Date