

Housing and Property Chamber
First-tier Tribunal for Scotland



Statement of Decision: Section 60 Housing (Scotland) Act 2006: (the Act).

Chamber Ref: FTS/HPC/RP/23/2492

12 Craigielaw Farm Cottages, Lingniddry, East Lothian, EH32 0PY being part of the subjects comprising one and a half acres of ground and more particularly described in the Feu Charter by Trustees of the Deceased Francis Wemyss Charteris Douglas, Earl of Wemyss and March recorded in the Division of the General Register of Sasines applicable to the County of East Lothian on 16 July 1928 (“the Property”)

The Parties:-

Mr Stuart Tait and Mrs Kimberly Tait, residing at the Property (“the Tenant” and “the Applicant”)

The First Grandchild’s Fund, Lord Wemyss Trust, Estate Office, Longniddry, East Lothian, EH39 0PY (“the Landlord” and “the Respondent”)

Tribunal Members:

Martin McAllister, Solicitor (Legal Member) and Greig Adams, Chartered Surveyor (Ordinary Member) (“the tribunal”)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) determines that the Repairing Standard Enforcement Order relative to the Property dated 15 December 2023 has been complied with and that the relevant rent relief order is revoked.

Background

1. A repairing standard enforcement order (“RSEO”) dated 15 December 2023 had been made in the following terms:

The Landlord was required:

- A. To instruct a competent condensation specialist such as a Chartered Building Surveyor or Property Care Association accredited specialist/company to undertake a fuller Condensation Assessment of the Property to provide recommendations to address the underlying cause(s) of condensation and to provide the report to the Tribunal for further consideration.**

- B. To repair or replace the windows such that all windows serving the Property are capable of being opened and closed fully as designed and without any significant impairment; have no broken panes; are reasonably draughtproof; are free from timber decay; are free from any cracked or defective glazing putties; are free from defective perimeter sealants; free from damaged/missing sections of astrigals and to ensure that all mortice and tenon joints are not open and watertight on completion whilst allowing for any remedial decoration works on completion of such works.**

- C. To remove or relocate wall units positioned over the gas range cooker to ensure that no wall units are located within a 750mm distance from the top surface of the cooker.**

The tribunal determined that the RSEO required to be complied with by 31 January 2024.

- 2. Following upon an inspection of the Property on 19 August 2024, the tribunal determined that that some of the matters detailed in the RSEO had been complied with but that no remedial works had been progressed in the vestibule area.

- 3. The tribunal determined that the RSEO had not been complied with and, having regard to Section 26 (2) of the Act instructed that notice of the failure be served on the local authority and that a rent relief order be made.

- 4. The tribunal inspected the Property on 10 January 2025 and a copy of the ordinary member's reinspection report is attached to this decision.

5. A copy of the reinspection report was sent to the parties and no substantive comments were submitted by them.

Disposal

6. The tribunal determined that the RSEO had been complied with and issued a Certificate of Compliance in terms of Section 60 (1) (b) of the Act.
7. In terms of Section 27 (4) (b) of the Act the rent relief order is revoked.

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.

In terms of Section 63 of the Act, 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.

**Martin J. McAllister, solicitor,
Legal Member of the Tribunal.
31 January 2025**