



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

STATEMENT OF DECISION OF THE HOUSING AND PROPERTY CHAMBER OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND UNDER SECTION 60(5) OF THE HOUSING (SCOTLAND) ACT 2006

Chamber Ref: FTS/HPC/RP/24/2401

Sasine Register: MID235722

**32/6 Morningside Road, Edinburgh EH10 4DA
("the Property")**

The Parties:-

**Ms Rachael Aulich, 32/6 Morningside Road, Edinburgh EH10 4DA
("the former tenant")**

**Mr Steven Thomson, 42 Lilyhill Terrace, Edinburgh EH8 7DU and
Mr Derek Thomson, 29a Main Street, Bainsford, Falkirk FK2 7PQ
("the landlords")**

The Tribunal

**Richard Mill (Legal Member)
Greig Adams (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") unanimously determined that the Landlord has complied with the Repairing Standard Enforcement Order in respect of the Property made on 4 September 2024 and that a Certificate of Completion should be issued in terms of Section 60(5) of the Housing (Scotland) Act 2006.

Background

1. The Tribunal made a Repairing Standard Enforcement Order (RSEO) dated 4 September 2024 which required the Landlords to replace the

two living room windows, the kitchen window and the rear bedroom window of the property.

2. On 24 September 2024 the tenant confirmed that the works required by the RSEO had been completed to her satisfaction. Subsequently, on 10 January 2025 the tenant advised that she was no longer residing in the property.
3. The Tribunal reinspected the property on 25 February 2025. Reference is made to the schedule of photographs which is attached to this decision. The RSEO had been complied with. All of the windows defective windows have been replaced. The work is to a high standard.
4. The Tribunal was satisfied that the property is now wind and watertight.
5. The Tribunal is satisfied that there are now no outstanding issues arising from the RSEO. The property now meets the repairing standard. The Tribunal accordingly determined that the landlord has complied with the Repairing Standard Enforcement Order made on 4 September 2024 and that a Certificate of Completion should be, in these circumstances, issued.

Right of Appeal

6. 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.
7. 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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 26 February 2025 before this witness:-

R Mill

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**CERTIFICATE OF COMPLETION OF WORK: Housing (Scotland) Act 2006
Section 60**

Chamber Ref: FTS/HPC/RP/24/2401

Sasine Register: MID235722

32/6 Morningside Road, Edinburgh EH10 4DA
("the Property")

The Parties:-

Ms Rachael Aulich, 32/6 Morningside Road, Edinburgh EH10 4DA
("the former tenant")

Mr Steven Thomson, 42 Lilyhill Terrace, Edinburgh EH8 7DU and
Mr Derek Thomson, 29a Main Street, Bainsford, Falkirk FK2 7PQ
("the landlords")

The Tribunal

Richard Mill (Legal Member)
Greig Adams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") hereby **certifies** that the work required by the Repairing Standard Enforcement Order relative to the Property made on 4 September 2024 has been completed satisfactorily. Accordingly, the said Repairing Standard Enforcement Order relative to the Property is herewith discharged. Reference is made to the corresponding statement of decision providing the Tribunal's reasons.

Right of Appeal

1. 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.

2. 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 Tribunal and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

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