

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 24 (1)

Chamber Ref: Reference number: FTS/HPC/RT/24/5043

Property: Lawhead Farmhouse, Penicuik, EH26 9LF (“The property”)

Title Number: MID196931

Parties:

**Midlothian Council Protective Services, Fairfield House, 8 Lothian Road,
Dalkeith, EH22 3ZH (“The applicant”)**

**Penicuik Estate LLP, Penicuik Farm Office, Carsewell Steading, Penicuik,
Midlothian, EH26 9LA (“the Landlord”)**

Interested Party:

**Bruce Thompson and Susie Dewar or Thompson formerly residing at
Lawhead Farmhouse, Penicuik, EH26 9LF (“the Tenant”)**

Tribunal Members:

Paul Doyle (Legal Member)

Greig Adams (Ordinary Member)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’), having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) in relation to the house concerned, and taking account of the totality of evidence led, dismisses the application.

Background

1. On 30 October 2024 the applicant submitted Form A asking for a Repairing Standard Enforcement Order on the basis that the property fails to meet the tolerable standard.
2. The applicant says 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 the property has an adequate piped supply of wholesome water available within the house.
3. On 06/02/2025 the Housing and Property Chamber intimated a decision to refer the application under Section 22 (1) of the Act to a tribunal.
4. On 04/06/2025 the Tribunal served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the applicant.
5. Following service of the Notice of Referral the Landlord made written further representations. Those representations contained details of works carried out by the landlord to create a new mains water supply to the property. (The landlords have also carried out roofing repairs, repointed the property, and carried out damp proofing works).
6. On 4 July 2025 the applicant's environmental health department certified that the new water supply to the property complies with The Private Water Supplies (Scotland) Regulations 2006 for potable drinking water.
7. An inspection of the property had been scheduled for 14 July 2025 at 10am. In light of the documentary evidence provided, the inspection was cancelled.
8. The Tribunal held a hearing by telephone conference at 11.30am on 14 July 2025. The Landlord was represented by Mr Philip Warden. The applicant was represented by Ms L Gunning.

Summary of the issues

9. The issues to be determined are whether the property meets the repairing standard set out in s.13 of the Housing (Scotland) Act 2006.

Findings of fact

10. The tribunal finds the following facts to be established:-

(a) The landlord is the heritable proprietor of Lawhead Farmhouse, Penicuik, EH26 9LF ("the property"). The landlord let the property to the interested party. That lease is now at an end. The landlord is marketing the property for sale and does not intend to re-let the property.

(b) On 21/05/2025 the Landlords instructed contractors to install new pipework leading from a spring on neighbouring property. On 01/07/2025 the Applicant's environment health department carried out microbiological and chemical laboratory tests of samples of water taken from the kitchen tap in the property. On 4 /07/2025 the Applicant certified that the new water supply to the property complies with The Private Water Supplies (Scotland) Regulations 2006 for potable drinking water.

(c) Although not part of the application, the applicant (in written representations) wanted to raise arguments that the property was infested with damp. The Landlords carried out roof repairs in April 2024. In November 2025 they carried out remedial work to the stone walls of the property. After a period of drying out, they completed internal redecoration in June 2025.

(d) The Landlords contractors took moisture readings in the property in June 2025 which were within the normal range.

Reasons for the decision

11. (a) This application turns on one sole issue, and that is whether or not the property has an adequate piped supply of wholesome water.

(b) It is beyond dispute that the Landlord has created a new water supply, and that water supply was tested by the applicant on 1 July 2025. It is the applicant who has certified that the new water supply to the property complies with The Private Water Supplies (Scotland) Regulations 2006 for potable drinking water.

(c) Everyone now agrees that the property has an adequate piped supply of wholesome water. The property therefore meets the tolerable standard.

(d) At today's date, the property meets the tolerable standard. The application is dismissed.

Decision

12. A Repairing Standard Enforcement Order is not necessary. The application is dismissed.

13. The decision of the tribunal was unanimous.

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Effect of section 63

Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed **P Doyle**
Legal Member

14 July 2025