

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Chamber Ref: FTS/HPC/RP/25/2369

Title reference: MID19518

Property: Somerville Cottage, 13 Howgate, Midlothian EH26 8QB('The House')

The Parties: -

Jill Churchill, c/o Saltouns, 6 1a Queen Street Edinburgh EH2 4NA ("the landlord")

Roseanne Bryceland-Carlin, Kingside, Craighurn, West Linton, EH46 7BG ("the tenant")

Whereas in terms of their decision dated 4 December 2025, the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined 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 structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,**
- **the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order**
- **any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,**
- **the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health**

the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the tribunal requires the landlord to: -

1. Instruct a suitably qualified tradesperson to carry out repairs to the living room fireplace and chimney to ensure a chimney liner is installed. Photographic evidence and documentation to show a chimney liner has been fitted should be produced.
2. Carry out such repairs as are necessary to ensure the windows in the kitchen and both bedrooms are fully functional and in a reasonable state of repair.
3. Produce evidence or certification to demonstrate that a carbon monoxide detector has been installed within the living room of the house in compliance with Scottish government regulations on carbon monoxide detectors.
4. Carry out such repairs as are necessary to ensure the gutters at the front of the house are free of vegetation and in proper working order.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 14 weeks from the date of service of this Notice.

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.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.

In witness whereof these presents type written on this and the preceding page(s) are executed by Mary-Claire Kelly, legal member of the Tribunal, at Edinburgh on 4 December 2025 in the presence of the undernoted witness: -

M C Kelly

C/O 20 York Street,
Glasgow G2 8GT