

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/RT/25/2703

Property: 10 Gardiner Place, Dalkeith, Newtongrange EH22 4RT ('The House')

Title reference: MID186299

The Parties: -

Scott McVey, 6 Burdiehouse Terrace, Edinburgh EH17 8AQ ("the landlord")

Bryan Colbecki, 10 Gardiner Place, Dalkeith, Newtongrange H22 4RT ("the tenant")

Midlothian Council, Public Health and Environmental Protection Team, Fairfield House, Lothian Rd, Dalkeith EH22 3AA ("the third party")

Whereas in terms of their decision dated 5 May 2026, 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 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**
- **the house meets the tolerable standard**

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. Produce an up-to-date electrical installation condition report for the House by a competent electrician on the working order and condition of the installation in the house for the supply of electricity. The electrician carrying out the inspection should be registered with SELET, NICEIC, NAPIT or other accredited registered scheme. The report requires to confirm that the installation is "satisfactory", has appropriate RCD protection wholly compliant with the repairing standard and has no recommendations in the C1 or C2 category or F1 items for further investigation. The report should also address the state of repair and working order of the electrical fittings and appliances provided by the landlord in the house (Portable Appliance Test certificate)
2. Carry out such works as are required to ensure that the provision of smoke detectors and heat detectors within the House complies with the Fire Protection in Rented Properties Guidance published by the Scottish Government on 7 February 2019, effective 1 March 2019 and available on the Scottish Government website.
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.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 4 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 5 May 2026 in the presence of the undernoted witness: -
N H Ferguson

Mary-Claire Kelly

Legal Member

_____ witness

Norman Hunter Ferguson
C/O 20 York Street,
Glasgow G2 8GT