

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Reasons: 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")

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having made such enquiries as are fit for the purposes of determining whether the Repairing Standard Enforcement Order dated 4 December 2025 has been complied with determined that the Repairing Standard Enforcement Order has been complied with and that a Certificate of Completion should be issued in accordance with section 60(5) of the Housing (Scotland) Act 2006.

The Tribunal consisted of: -

Mary-Claire Kelly, Chairing and Legal Member

Geraldine Wooley, Ordinary Member (surveyor)

1. Reference is made to the decision of the Tribunal dated 4 December 2025 which determined that the landlord had failed to comply with the duty imposed

by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”) as the property did not meet the Repairing Standard. The Tribunal therefore made a Repairing Standard Enforcement Order (RSEO). The works required by the RSEO were:-

- 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.*
2. The Tribunal ordered that the works be carried out within the period of 14 weeks from the date of service of the RSEO.
 3. Following the expiry of the period for completion of the works a re-inspection was scheduled for 22 June 2026.
 4. Prior to the re-inspection the landlord submitted a Hetas Commissioning sheet relating to the installation of a wood burning stove in the property.
 5. The Tribunal re-inspected the property on the morning of 22 June 2026. Mr. Dobbie, the landlord’s representative from Saltouns Property and Letting Ltd was in attendance.
 6. A re-inspection report setting out the Tribunal's findings at the inspection together with photographs is annexed to this decision and is held to be incorporated herein.

Reasons for the Decision

9. The Tribunal was satisfied that a new woodburning stove had been installed which complied with all relevant safety checks as evidenced by the HETAS commissioning form that had been submitted. The commissioning sheet confirmed that the chimney lining had been replaced.

10. The Tribunal re-inspected the windows in the property and noted that repairs had been carried out to ensure that the windows were in proper working order and functioning.
11. The Tribunal observed at the re-inspection that a carbon monoxide detector compliant with Scottish Government regulations had been installed correctly in the living room of the property. A second monitor had been installed on the first floor of the property for additional protection.
12. During the re-inspection the Tribunal noted that work had been carried out to clear the gutters since the inspection on 4 December 2025 however there had been some regrowth and the front gutter was not entirely free of vegetation. After discussion with Mr. Dobbie, it was agreed that if the gutters were fully cleared photographic evidence could be submitted and taken into account by the Tribunal. Photographs were submitted on 24 June 2026 showing that the gutter to the front of the property was fully clear of vegetation.
13. The Tribunal was satisfied based on the findings at the re-inspection on 22 June 2026 and the documents and photographs submitted on behalf of the landlord that the works carried out complied with the RSEO and determined to issue a completion certificate.

Decision

The tribunal determined that the RSEO had been complied with and proceeded to issue a Certificate of completion.

MC Kelly

Chairperson:

Date: 12 July 2026