



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

**STATEMENT OF DECISION in respect of an application under Section 24 (1) of the Housing (Scotland) Act 2006 ("the Act") and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016
Reference number: FTS/HPC/RP/22/2846**

Land Register Title number MID195956

**Re: Property at 8M King Street, Musselburgh, East Lothian EH21 7EP
("the Property")**

The Parties:

Ms Abbi Lynch ("the Applicant/Tenant")

Alison Lowther De Cotta and Gonzalo De Cotta Lowther ("the Respondents/Landlords")

Tribunal Members

James Bauld (Chairman) and Andrew McFarlane (Ordinary Member)

Background and initial decision

1. By decision dated 14 December 2022 the tribunal issued a determination which decided that the landlord had failed to comply with the duties imposed by Section 14 (1) of the Housing (Scotland) Act 2006 ("the 2006 Act"). On the same date the tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. In terms of the RSEO the landlord was ordained to carry out certain works to the property within three months of the date of the order.
3. The required works were as follows:

- i. To instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an EICR to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards.
- ii. To produce a valid and up to date Gas Safety certificate in respect of the property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the property meets the requirements of those regulations.
- iii. Instruct a Gas Safe registered engineer to undertake a full inspection of all gas fittings and appliances within the property and to repair and renew any parts which are identified within the report, including the "final check results".
- iv. To provide evidence showing the installation of smoke detectors, heat detectors and carbon monoxide detectors within the property in compliance with the requirements set out in the guidance issued by the Scottish Government in terms of the Housing (Scotland) Act 2006.
- v. Make satisfactory provision for heating in all apartments regularly used by occupants.
- vi. Either remove the existing gas fire, if an alternative satisfactory provision is made, and make good any damage caused or if it is to be retained restore to proper working order.
- vii. Either remove the installation for heating water, if an alternative satisfactory provision is made, and make good any damage caused or if it is to be retained restore to proper working order in a manner which provides a satisfactory supply of hot water.
- viii. Remove or otherwise adjust nails in Kitchen floor to prevent them penetrating the floor covering and repair or replace the damaged covering to render the flooring in all respects fit for human habitation.
- ix. Carry out works necessary to eliminate or control draughts, whilst ensuring required levels of ventilation are maintained, to leave the House wind and watertight and in all other respects fit for human habitation.
- x. Carry out works necessary to the Bedroom window to eliminate or control draughts, whilst ensuring required levels of ventilation are

maintained, to leave the House wind and watertight and in all other respects fit for human habitation.

The re-inspection

4. On 14 April 2023 the tribunal members again attended to carry out a re-inspection.
5. A copy of the report prepared by the ordinary member of the tribunal is attached to this decision. On that date the tribunal noted that all works required in terms of the RSEO had been completed with the exception of the production of valid and up to date Gas Safety certificate in respect of the property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the property meets the requirements of those regulations.
6. A copy of the report was circulated to parties and by email dated 1 May 2023, the landlord's agent sent a copy of a valid and up to date Gas Safety certificate dated 18 November 2022
7. The tribunal was therefore satisfied that all works required in terms of the RSEO have now been completed and resolved that the RSEO should be revoked.

Decision

The Tribunal accordingly unanimously agreed that the RSEO should be revoked and that the Certificate of Completion in terms of the RSEO should be issued.

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.

Where such an appeal is made, the effect of the decision and of an 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.

J Bauld

Signed

Date *29 June 2023*

Legal Member