

**Housing and Property Chamber**  
**First-tier Tribunal for Scotland**

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

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

**Chamber Ref: FTS/HPC/RP/19/2312**

Property known as ALL and WHOLE the subjects known as and forming 14 Stoneybank Crescent, Musselburgh being the southwestmost house on the ground floor of the block 10, 12, 14 and 16 Stoneybank Crescent, Musselburgh and being part of the subjects referred to in Feu Charter by the Trustees of The Earl of Wemyss and March with consent thereinmentioned in favour of the Provost, Magistrates and Councillors of the Burgh of Musselburgh dated Second February and subsequent dates and recorded in the Division of the General Register of Sasines applicable to County of Edinburgh (now Midlothian) on First March all in the year Nineteen Hundred and Twenty Eight.  
("The Property")

**The Parties:-**

**Jeanann Jordan, 14 Stoneybank Crescent, Musselburgh East Lothian EH21 6HP**  
("the Former Tenant")

**June Beddard, 259 Ryfields Village, Arena Gardens, Warrington WA2 7GA**

("the Landlord")

**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 written representations by and on behalf of the Tenant, those on behalf of the Landlord and the inspection, determined that the Landlord has complied with the duty imposed by Section 14 (1)(b) of the Act.

**The Tribunal consisted of:**

**Rory A.B. Cowan – Legal Member**

**Andrew McFarlane – Surveyor/Ordinary Member**

The decision of the Tribunal was unanimous.

### **Background**

The Repairing Standard Enforcement Order (RSEO) dated 22 November 2019 required the Landlord to complete the following work within 4 weeks:

- 1) To repair or replace the current battery powered Fire Detection system with one that meets current legislative requirements.
- 2) To ensure that a Carbon monoxide detector is fitted to the Property that meets current legislative requirements.

### **Reasons for the Decision**

On 10 March 2020 the Property was reinspected by the Ordinary member, and it was noted that whilst certain works had been carried out, they did not meet the required standards. Following that, by decision dated 26 May 2020, the Tribunal determined the Landlord had failed to comply with the RSEO. A Rent Relief Order (RRO) was made and the failure, and the RRO were notified to East Lothian Council in terms of section 26(2) of the Housing (Scotland) Act 2006.

On or around 23 September 2021 the Tribunal received notification from the Applicant's representative that the Property was vacant and that the Applicant had vacated the Property. As such, she was removed as a party to the application. By email of 21 October 2021, the Landlord's representative provided further information pertaining to works carried out to comply with the terms of the RSEO and that the Property would be available for inspection from 21 October 2021.

The Tribunal considered the terms of this email and resolved to carry out a further inspection of the Property.

A further reinspection took place on 24 November 2021. Both members of the Tribunal attended that reinspection. A Mr Johnston attended on behalf of the Landlord. A report of the findings was prepared by the Ordinary member and issued.

The Property was inspected, and it was confirmed that items 1) and 2) above had been completed by the Landlord.

The Tribunal considered matters and concluded that, despite the initial delays, the Landlord has now completed all the works required by the RSEO.

### **Right of Appeal**

**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 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.**

# R Cowan

Signed:

Rory A B Cowan

Date:

1 February 2022

**Chairperson**