



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

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

Reference number: FTS/HPC/RP/22/2846

Land Register Title number MID 195956

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

The Parties:

Ms Abbi Lynch (“the Tenant”)

Alison Lowther De Cotta and Gonzalo De Cotta Lowther (“the Landlords”)

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

**NOTICE TO THE LANDLORD, Alison Lowther De Cotta & Gonzalo
De Cotta Lowther**

Whereas in terms of their decision dated 14 December 2022 the First-tier tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) 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”) and in particular that the Landlord has failed to ensure that:-

- (a) the house is wind and watertight and in all other respects reasonably fit for human habitation
- (b) The installations in the Property 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 (as required by section 13(1)(c) of the Act;
- (c) any fixtures, fittings and appliances provided by the landlord under the

tenancy are in a reasonable state of repair and in proper working order,

- (d) any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed
- (e) The house meets the tolerable standard

The tribunal now requires the Landlord to carry out such works as are necessary for the purposes of ensuring that the Property 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. 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.
2. 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.
3. 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".
4. 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.
5. Make satisfactory provision for heating in all apartments regularly used by occupants.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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 First-tier Tribunal order that the works specified in this Order must be carried out and completed within the period of 8 weeks from the date of service of this Notice

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order ("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 agreement 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

J Bauld

S Callaghan

Chairperson of the tribunal

Dated: 14 December 2022

witness
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