

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Request for Enforcement/Authorised officer to determine risk over obstructions in communal area of Residential building in Edinburgh
Date: 22 April 2025 12:04:52

Good Morning,

Thanks for your email dated 10th April 2025.

I would firstly like to update you on a few positional changes within the City Centre Housing Team.

[REDACTED] is currently overseeing Housing Officer duties within Dumbiedykes as I moved on from this post in March 2024.

I have now returned to City Centre Housing Team as Housing Team Leader from December 2024.

I understand this is an ongoing issue and has been for many years.

I previously tried to resolve this issue while I was Housing Officer by speaking with the owner at flat 25 but this was not successful.

[REDACTED] and I were out on site again last week to try again to contact flat 25 but again there was no answer at the door.

I do understand your frustrations regarding this however we are also a landlord in the block and we are not responsible for making such decisions.

I have had checks carried out and there is an agreement in place within the deeds confirming that all properties have a mutual responsibility for the common stairwells.

In short we as a landlord have the same responsibility as yourselves in this matter and as such we cannot progress this any further.

Kind Regards

[REDACTED]

[REDACTED] | Acting Housing Team Leader | Housing Operations | Housing, Family Support & Fair City
| EH17 8QF | 0131 [REDACTED] South-East Local Office, 40 Captains Road | Edinburgh
[REDACTED]@edinburgh.gov.uk

From: [REDACTED]

Sent: 10 April 2025 09:35

To: [REDACTED]

Cc: [REDACTED]

[REDACTED]@edinburgh.gov.uk>

Subject: Request for Enforcement/Authorised officer to determine risk over obstructions

in communal area of Residential building in Edinburgh

Dear Sir/Madam,

We are three Landlords who own flats [REDACTED] at 43 Viewcraig Gardens Edinburgh EH8 9UW.

We write to you in regard to fire safety concerns we have on the second floor of the building where these flats are located. The other relevant owners are Edinburgh Council (number [REDACTED]) and private owner [REDACTED] (number [REDACTED])

The concern is that there is a specific and ongoing problem with items being permanently stored outside flat number [REDACTED] which are obstructing the common walkway (which is also the fire escape route). These obstructions will impede evacuation and access to our properties in the event of fire. These items belong to [REDACTED], the owner occupier of flat number [REDACTED]

As Landlord's we are familiar with the terms of The Repairing Standard (Housing (Scotland) Act 2006, The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 and also the Civic Government (Scotland) Act 1982, all of which cover our responsibilities in respect of avoiding the obstruction of our common spaces. Edinburgh Council are also aware of these responsibilities in their role as Landlord at flat number 27 and through their role in determining short let licencing applications. i.e. as Landlords we are all obliged to do everything within our power to ensure there is nothing that will obstruct egress from and access to our properties (and the building itself) in the event of fire

The Civic Government (Scotland) Act 1982 section 93 (3) "Fire precautions in common stairs etc" says "Where Part 3 of the Fire (Scotland) Act 2005 (asp 5) applies in relation to the common property, an enforcement officer appointed under section 61(3) of that Act or, in any other case,] an authorised officer of the [Scottish Fire and Rescue Service] shall be entitled to enter common property for the purpose of determining whether subsection (2) above is being complied with.

Subsection (2) says the following:

"It shall be the duty of the occupier to keep the common property free of— any combustible substances; anything which might obstruct egress from and access to the property in the event of fire".

Since (over the past 20 years) we have tried everything possible to address this ourselves, we are therefore wondering if you would be willing to investigate this risk in your capacity as Enforcement/Authorised officers as it is clear that the items concerned "obstruct egress from and access to the property in the event of fire".

Past efforts to persuade [REDACTED] not to store these items in the walkway have fallen on deaf ears and the problem continues to get worse. This includes the attached letter from Edinburgh Council which threatens that they will remove the obstructions if not cleared. Unfortunately though, Edinburgh Council were unable to follow through on this as they say they lack the enforcement powers required. They did say, however, that they had made the Scottish

Fire Service aware of the problem in May last year as they themselves had deemed this to be a fire risk.

We have also attached a recent photo of the obstructions we have referred as well as copies of the legislation we have referenced in this email.

We are happy for you to reply to this email (with all parties copied in) or call [REDACTED] on [REDACTED] to discuss the matter further.

Your assistance with this is very much appreciated and will hopefully ensure that this hazard is eliminated as it has caused a great deal of stress not only to us as Landlords but also to our respective Tenants over the past 20 years.

[REDACTED] (flat [REDACTED]), [REDACTED] (flat [REDACTED]) and [REDACTED] (flats [REDACTED] and [REDACTED]).