

From: [REDACTED]
To: [REDACTED]
Subject: RE: Belongings on communal landings- 43 Viewcraig Gardens
Date: 15 May 2026 13:57:11

Dear [REDACTED]

Thank you for your email.

I do not consider the two matters to be the same.

As previously indicated, the private owner in 43 Viewcraig Gardens is storing personal belongings that clearly belong to them. We do not consider that these items have been dumped nor do we consider that they are preventing safe movement across the landing. That being said, the matter was referred to the Scottish Fire and Rescue Service for assessment under the Civic Government (Scotland) Act 1982, Section 93 to determine whether they considered the items to be combustible or obstructing egress from or access to the property in the event of a fire. SFRS did not consider any enforcement action was merited.

The letter sent by [REDACTED] to the residents of 7 Viewcraig Gardens referred to items stored and/or dumped in the stair which were clearly blocking walkways and preventing a safe exit from the building. CEC owns a number of properties in this stair and our tenancy agreement prohibits tenants from storing items in the common parts, unless in areas specifically designated for storage. As such, we have a landlord duty to ensure that our tenants are not storing personal belongings incorrectly. However, by writing to all residents in the stair, Council or otherwise, we have made reasonable efforts to establish if anyone is taking ownership of items either stored or dumped in the stairwell which are preventing safe access to and from properties. Where we are unable to identify the owner of items and we consider items to be a safety hazard, we will consider whether it is reasonable to remove such items to protect the safety of all residents.

Thanks.

Best wishes,

[REDACTED]

[REDACTED] | **Locality Housing Manager** | **South-East Local Office** | **40 Captains Road** |
Edinburgh | **0131** [REDACTED] [\[REDACTED\]@edinburgh.gov.uk](mailto:[REDACTED]@edinburgh.gov.uk)

From: [REDACTED]
Sent: 01 May 2026 13:33
To: [REDACTED]
Subject: RE: Belongings on communal landings- 43 Viewcraig Gardens

Dear [REDACTED]

I am writing to formally challenge the Council's inconsistent position regarding the removal of items from communal areas.

You previously advised that removing items belonging to others could amount to unlawful interference with private property. However, the recent letter issued by [REDACTED] states:

“several items were found to be **stored** and / or dumped within the communal areas of the block, including items obstructing walkways and stairwells”. **“Stored and / or dumped” is exactly the situation at block 43 which we have discussed at length so what you have said in point 2 about the letter to block 7 does not differ in any way.**

letter also states

“if you have any items in the communal area that you wish to keep please ensure they are removed... Any items after this date will be removed and disposed of without further notice.”

This clearly indicates that, based simply on a deadline being met, the Council is prepared to remove and dispose of items regardless of ownership status.

There is an obvious and serious contradiction here. Either:

- Removing such items is not permitted, in which case the issuing of letters threatening their removal is inappropriate; or
- The Council does have the authority to remove items where they present a fire risk, in which case this should be clearly acknowledged and consistently applied.

At present, residents are being given conflicting messages on a matter that involves both property rights and fire safety. That is not acceptable.

I am therefore asking you to provide a clear, written position on:

- The legal basis (if any) under which the Council considers it has the authority to remove items from communal areas; and
- How this position aligns with the advice previously given to me.

If this inconsistency is not resolved, I will raise a formal complaint. That complaint will specifically highlight the contradiction between advice given to residents and the content of official correspondence, and will request review at a senior level.

Separately, the underlying fire safety issue remains unresolved. As explicitly states, items in communal areas - regardless of ownership - can obstruct escape routes and pose a risk to residents. Previous attempts to refer this between the Council and the Scottish Fire and Rescue Service have not resulted in a clear outcome.

I am therefore asking that the Council engages directly with the Scottish Fire and Rescue Service to establish and communicate a definitive enforcement position, rather than continuing the current situation where I am repeatedly passed back and forward between the Council and SFRS without any clear ownership or resolution, while correspondence continues to be issued that adds to the confusion.

I expect a clear and consistent response and if I do not have one within the next 14 days I will raise your handling of this as a formal complaint.