



Application for Letter of Comfort - Building Standards

The service is intended to apply only to work that has been undertaken to a property prior to 1st May 2005. If work has been carried out after this date, please contact Midlothian Council Building Standards. Please read the guidance accompanying this form for further information. A fee is payable for this service.

1. Contact details

a) Applicant	b) Agent or conveyancing solicitor (if applicable)
Name:	Name:
Address:	Address:
Town/city:	Town/city:
Post code:	Post code:
Telephone/mobile:	Telephone/mobile:
Email address:	Email address:

2. Details of the property subject to your enquiry

a) Type of property: Domestic (house or flat) ☐ Non-domestic ☐

b) Full postal address of property:
..... Post code:

c) Address of property (or site)
at time of construction, if
known, e.g. site name: Not known: ☐

d) Was a building warrant
obtained for the work
detailed in this enquiry? Yes: ☐ No: ☐ Not known: ☐ Reference number:
Note: the reference number is most helpful for progressing your application.

e) Description of work - please
provide as much information
as possible, including:
i) details of work carried out,
ii) a sketch of the before and
after layouts (if the work
resulted in the layout of the
building being amended),
iii) date of work (or estimated
date of work).

3. Request for Letter of Comfort

	Cost	Tick to request
a) A building warrant was obtained, but a completion certificate was not obtained.	£204.00	<input type="checkbox"/>
b) A building warrant was not obtained.	£357.00	<input type="checkbox"/>

4. Payment

If paying by cheque, please enclose your cheque, made payable to Midlothian Council, with this application. For payments via debit or credit card, telephone 0131 271 3147 during office hours. Please say your payment is for a Building Standards Letter of Comfort and give your address. If you paid the relevant fee using the Council's telephone payment system, please provide the receipt reference and the date of payment.

Cheque enclosed: ☐ Telephone receipt reference: Date paid:

5. Declaration

I declare that the information provided in this application is to the best of my knowledge true and accurate. I accept that if any of the information is found to be false, any Letter of Comfort issued will be rendered void.

Signed: Block capitals: Date:

Guidance notes

1. What is unauthorised work?

The purpose of Building Standards is to ensure, as far as is reasonably practical to do so, the health, safety and welfare of all inhabitants of the built environment. Under the Building (Scotland) Act 2003, and the preceding Building (Scotland) Act 1959, you are required to obtain a building warrant before you alter, extend, erect, demolish or convert a building. It is an offence under the terms of the Building (Scotland) Act not to first obtain the necessary approval from the Local Authority verifier, prior to commencement of warrantable work. Once the warrantable work is complete, typically following inspection, completion certification is then issued by the Local Authority verifier.

Midlothian Council Building Standards often finds itself being requested to assist owners who encounter difficulties in the sale or transfer of ownership of their property. Owners often seek to regularize their situation in relation to:

- a) warrantable works having been undertaken with a building warrant in place but no completion certification being sought, or
- b) minor unauthorised building works having been undertaken, often by previous owners.

The process for dealing with such circumstances is known as a Letter of Comfort. A Letter of Comfort is a discretionary service offered by Midlothian Council Building Standards, and the Council's decision on the issue of a Letter of Comfort is final and not subject to appeal.

2. What is a Letter of Comfort?

For works undertaken **prior to 01 May 2005**, you may be able to obtain a Letter of Comfort. The 'comfort' aspect of a Letter of Comfort is the assurance that Midlothian Council, as the enforcing authority, has no reason at the present time to have an interest in the subject property and will not be seeking any action to be undertaken regarding the unauthorised work. However, it is important to note that it is not the purpose of a Letter of Comfort to vouchsafe for any of the unauthorised work undertaken, and it does not give assurance of compliance with the building regulations. Letters of Comfort can be provided for both domestic and non-domestic properties.

3. Who will accept a Letter of Comfort?

A Letter of Comfort normally satisfies the parties involved in conveyancing and remortgaging transactions etc.

4. How long will it take?

Our target for a response to your Letter of Comfort request is within 10 working days. Where our workload permits, we will try to respond within a shorter timescale.

5. Issuing a Letter of Comfort

A Letter of Comfort will normally be issued as a paper copy via post, or an electronic copy via email, if requested.

6. Returning your application and fee

Mail: Building Standards, Fairfield House, 8 Lothian Road, Dalkeith, Midlothian EH22 3ZN

Email: buildingstandards@midlothian.gov.uk

7. Further guidance

Further guidance is available on our website, at www.midlothian.gov.uk/buildingstandards

If you require further assistance, please contact Midlothian Council Building Standards on 0131 271 3419.

8. Data Protection Act 2018

For information on how your personal data is used by Building Standards visit our data protection page [here](#).

For office use only

Date received:	.....	Fee:	.....	Paid:	.....
Receipt no:	.....	Target date:	.....	Initials:	.....
Notes:	.....			