

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION UNDER SECTION

26(1) OF THE HOUSING (SCOTLAND) ACT 2006 ("the Act")

Property at Basement Left, 292 Langside Road, Glasgow, G42 8XW, all as more particularly described in and registered in the Land Register in Land Certificate GLA209381 (hereinafter referred to as "the house")

DMJC DEVELOPMENTS LIMITED, a Company incorporated under the Companies Acts, (Registered Number SC637797), and having its Registered Office at 6th Floor Gordon Chambers, 90 Mitchell Street, Glasgow, G1 3NQ. ("the Landlord" as defined in the Housing (Scotland) Act 2006), being successor in title to Mr Naveed Shakoor, 133 Titwood Road, Glasgow G41 4BN ("the former landlord")

Glasgow City Council, Development and Regeneration Services, Samaritan House, 79 Coplaw Street, Glasgow G42 7JG ("the Third Party")

Reference: FTS/HPC/RT/18/1182

The Tribunal comprised Mrs. Aileen Devanny, Chamber President, and Mr. Donald Wooley, Ordinary (Surveyor) Member

DECISION

The First-tier Tribunal for Scotland ("the Tribunal"), has made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order registered in the Land Register on 25 October 2018 (hereinafter referred to as "the RSEO") in relation to the house. Having taken account of findings in (1) an electrical installation certificate issued by an NICEIC registered electrician and (2) a certificate from a Gas Safe registered engineer, the Tribunal

considers that the Landlord had satisfactorily completed the works detailed in the RSEO. The Tribunal has decided to issue a certificate of completion of works in terms of Section 60 of the Act.

BACKGROUND

1. Reference is made to the Determination of the First-tier Tribunal for Scotland Housing and Property Chamber dated 16 August 2018 which decided that the former landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act ("the Act") and to the Repairing Standard Enforcement Order ("the RSEO") dated 16 August 2018. The Determination confirmed that the former landlord had failed to ensure that the house is wind and watertight and in all other respects reasonably fit of human habitation; any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order; and the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

The RSEO required the Landlord to undertake works as is necessary for the purposes of ensuring that the house 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 required the Landlord:-

- (1) To repair or replace the floor in the hallway to ensure that it is a reasonable state of repair and in proper working order;
- (2) To produce an electrical installation condition report from a SELECT, NICEIC or NAPIT registered electrical in respect of the property and to undertake any work, which is identified in the said report to be of category C1 and C2.
- (3) To produce a Gas Safe certificate from a Gas Safe registered engineer in respect of the property;
- (4) To install a shower curtain or suitable screening around the shower fitting located in the bath so that it is a reasonable state or repair and in proper working order; and
- (5) To install satisfactory provision for the detection of carbon monoxide levels ensuring that such detection is located in accordance with current regulations.

(Hereinafter the works detailed at (1) to (5) inclusive, are collectively known as "the works").

The said works were to be carried out and completed within a period of 28 days from the

date of service of the Notice of the RSEO. Service of the Notice of the RSEO occurred on 22 August 2018.

2. On 20 November 2018, a re-inspection of the house was undertaken by the Surveyor Member of the Tribunal, who did not obtain entry despite notifying the former landlord of the date and time of the re-inspection. The former landlord provided no electrical inspection report or gas safe certificate. The former landlord was given an opportunity to make written representations and eventually a failure to comply decision was issued by the Tribunal on 22 January 2019.

DECISION AND REASONS

3. The house has since been sold and is unoccupied and the new owner, who is successor in title to the former landlord and designated above as the Landlord, has requested that the RSEO be revoked. The Landlord has provided evidence to confirm that a shower screen has been installed in the bathroom and the defect in the hall flooring has been rectified. It appears from the evidence provided in a property marketing video that extensive works have recently been undertaken to the house in advance of it being marketed for sale. The Landlord has provided a satisfactory electrical installation certificate and a satisfactory Gas Safe certificate, the latter certificate confirms the satisfactory provision of carbon monoxide detection alarms. The Tribunal considers that a certificate of completion should be issued in terms of Section 60 of the Act. The members of the Tribunal were unanimous in their decision.

APPEAL PROVISIONS

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.

A Devanny

Mrs. Aileen Devanny
Chamber President

Dated 19 June 2025