



**REPAIRING STANDARD ENFORCEMENT ORDER (RSEO) UNDER SECTION 24  
OF THE HOUSING SCOTLAND ACT 2006**

**Reference number: FTS/HPC/RP/25/0165**

**Re: 8 Gilchrist Drive, Falkirk, Tamfourhill, FK1 5DW ("the Property")**

**Title Number: STG9159**

**The Parties:**

**Mr Muhammed Mushtaq ("the Tenant")**

**Falkirk Council ("the Applicant")**

**Mr Harmal Gill, Mr Kamal Jit Gill ("the Respondents")**

**Tribunal Members :**

**Alastair Houston (Legal Member); David Godfrey (Ordinary Surveyor Member)**

Whereas in terms of its decision dated 30 June 2025, the First-tier Tribunal for Scotland (Housing & Property Chamber) ("the Tribunal") determined that the Landlord has failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by carrying out any work in terms of this order is made good.

In particular, the Tribunal requires that the Landlord:-

1. To instruct an electrician to inspect the installations for the supply of electricity within the property and exhibit a valid Electrical Installation Condition Report to the Tribunal; and
2. To install the appropriate system for the detection of fire, smoke and carbon monoxide within the property.

The tribunal orders that the works specified in this Order must be carried out within the period of 28 days from the date of service of this Notice.

**In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a 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 arrangement 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.

In witness whereof these presents type written on this and the two preceding pages are executed by Mr Alastair Houston, Solicitor, Legal Member of the Tribunal at Glasgow on 22 July 2025 before this witness:-

# A Houston



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Section 24(1) of the Housing (Scotland) Act 2006 ("the 2006 Act")**

**Reference number: FTS/HPC/RP/25/0165**

**Re: 8 Gilchrist Drive, Falkirk, Tamfourhill, FK1 5DW ("the Property")**

**The Parties:**

**Mr Muhammad Mushtaq ("the Tenant")**

**Falkirk Council ("the Applicant")**

**Mr Harmail Gill, Mr Kamal Jit Gill ("the Respondents")**

**Tribunal Members :**

**Alastair Houston (Legal Member); David Godfrey (Ordinary Surveyor Member)**

**Decision**

The Tribunal determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the Property in that the Property does not meet the Repairing Standard in respect of Section 13(1)(c) and (h) of the 2006 Act. The Tribunal therefore issues a repairing standard enforcement order. The decision is unanimous.

**1. Background**

1.1 This is an application dated 14 January 2025 whereby the Applicant sought a determination that the Respondents had failed to comply with their duties under section 14 of the 2006 Act. In particular, the Tenant alleged that the Property did not meet the following requirements under the 2006 Act:-

- *the installations in the house for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order,*
- *any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,*
- *the house meets the tolerable standard.*

1.2 The Applicant complained of a leak from the bathroom of the property into the neighbouring property below. Furthermore, the Applicant had requested confirmation that the Respondents had obtained a Gas Safety Certificate and an Electrical Installation Condition Report in respect of the property together with confirmation that Portable Appliance Testing had taken place on any appliances

provided under the tenancy agreement. The Applicant also requested the Respondents to install a carbon monoxide detector and interlinked smoke and heat detectors. A copy of the letter to the Respondents containing these issues accompanied the application.

- 1.3 The application was accepted by the Tribunal and a notice of acceptance dated 13 February 2025 issued. An inspection and hearing was fixed for 23 June 2025 which was intimated to the parties.

## **2. The Inspection**

- 2.1 The inspection of the Property took place on 23 June 2025. The First Named Respondent was present. Mr Craig Beat of the Applicant attended. The named tenant was neither present nor represented.
- 2.2 The Property is a first floor flat in a purpose built block. A schedule of photographs taken during the inspection is produced alongside this decision. During the inspection, the First Named Respondent provided a copy of a Gas Safety Certificate he said to apply to the Property. He also advised that no appliances had been provided to the tenant under the tenancy agreement bar the cooker and gas hob. He also advised that an electrician was due to attend the property on 26 June to attend to the remaining issues.
- 2.3 The Tribunal inspected the bathroom including underneath the bath. The Tribunal also noted that there were no smoke detectors in the kitchen and living room and the smoke detector in the hallway had had the batteries removed. There was no carbon monoxide or heat detector in the kitchen.

## **3. The Hearing**

- 3.1 The hearing took place at Wallace House, Stirling, on 23 June 2025. Mr Craig Beat of the Applicant attended. The Tenant was neither present nor represented. The Respondents were not present nor represented. Given that notice of the hearing had been given to the Tenant and the First Named Respondent had been present during the inspection of the Property, the Tribunal considered it appropriate to proceed in their absence, as permitted by the Chamber Rules.
- 3.2 The Tribunal first considered the issue of the leak from the bathroom. Mr Beat confirmed that there had not been any recent complaints from the property below. It appeared that this was no longer an issue. The Tribunal had noted that the wall behind the bath appeared to be dry at the time of inspection. Mr Beat advised that he wished to withdraw the complaint relating to this. As such, it was not considered further.
- 3.3 Mr Beat advised that he had no basis to dispute that which was said during the inspection by the First Named Respondent with regards to there being no appliances provided to the Tenant under the tenancy agreement. In the absence of an Inventory of fixtures and fittings, the Tribunal did not consider the issue of Portable Appliance Testing any further.

- 3.4 Mr Beat confirmed that the application was still insisted upon insofar as it related to the lack of smoke, heat and carbon monoxide alarms and Electrical Installation Condition Report. These were required in order that the property complied with the repairing standard. It was acknowledged that the First Named Respondent had advised that an electrician was to attend to these issues later in the week but, at the time of the hearing, these remained outstanding. It was acknowledged that a Gas Safety Certificate had been provided during the inspection and the Tribunal was to check its validity following the hearing. This was subsequently found to be valid.

#### **4. Findings In Fact**

- 4.1 The tenancy between the landlords and the tenant was ongoing at the time of the application being made and the inspection and hearing.
- 4.2 As at 23 June 2025, there was no water leaking from the bathroom of the property to the neighbouring property downstairs.
- 4.3 No electrical appliances were provided to the tenant by the landlords under the tenancy agreement.
- 4.4 A valid Gas Safety Certificate was in force as at 23 June 2025.
- 4.5 The property lacked working smoke alarms and there were no alarms for heat or carbon monoxide.
- 4.6 The landlords had not obtained an Electrical Installation Condition Report in respect of the property.

#### **5. Reasons For Decision**

- 5.1 Given what was observed and said during the inspection and hearing, the Tribunal only considered the complaints as they related to a lack of smoke, heat and carbon monoxide alarms and Electrical Installation Condition Report. The Tribunal considered the latter was required to confirm that the installations for the supply of electricity were in a reasonable state of repair and proper working order. Given the absence of any working means of detecting fire, smoke and carbon monoxide, the Tribunal also considered there to be a clear breach of the tolerable standard.
- 5.2 The Respondents have failed to comply with their duties under sections 14(1)(b) and 13(1)(c) and (h) of the 2006 Act. The Tribunal is therefore required to make a repairing standard enforcement order under section 24(2) of the 2006 Act. The Tribunal was mindful of the nature of the defects in that, although serious, ought to be straightforward to remedy and that such work could be reasonably expected to be completed within 28 days.

## **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, 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.**

# A Houston

Legal Member:

**Legal Member  
8 July 2025**