



**Statement of Decision of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 24 (1) of the
Housing (Scotland) Act 2006.**

Tribunal Ref: HPC/RP/24/4421

Property: Flat 2/2, 35 Gogar Street, Glasgow, G33 2JQ

Land Certificate Title Number: GLA103862

Parties

The Applicant: Mr Estsham Alam, residing at Flat 2/2, 35 Gogar Street, Glasgow, G33 2JQ

The Landlord: NS5 Ltd, 7 Bell Yard, London, WC2A 2JR

Tribunal Members: Virgil Crawford (Legal Member) and Kingsley Bruce (Ordinary / Surveyor Member)

The Tribunal determined as follows:

BACKGROUND

1. The Property at Flat 2/2, 35 Gogar Street, Glasgow, G33 2JQ is owned by a limited company, NS5 Ltd.
2. The Property is let to the Applicant.
3. The rent currently being paid is £750.00 per calendar month.
4. The Property and various fittings are in need of repair. The Applicant intimated the need for repairs to the Landlord. He intimated the following:-
 - No gas

- Gas disconnected no cooking facilities
 - Issues with sparks and shocks from the electrical sockets and switches
 - Issues with ceiling lights flickering
 - Leaking from bathroom going down neighbour's toilet. Their ceiling fell off twice.
 - No central heating
 - Wind coming in from windows and having steamed windows all the time
5. Following a failure of the Landlord to effect the necessary work the Applicant presented an application to the Tribunal seeking a Repairing Standards Enforcement Order.
 6. The Tribunal arranged an inspection of the Property at 10.00am on 23rd May 2025 with a Hearing thereafter at 11.45am within the Glasgow Tribunal Centre, York Street, Glasgow.

FIRST INSPECTION ON 23RD MAY 2025

7. The Property was inspected on Friday 23 May 2025, By Mr Kingsley Bruce (Ordinary/Surveyor Member) and Mr Virgil Crawford (Legal Member). Weather conditions were dry and bright following a period of settled weather. The Property was occupied. The inspection was undertaken of external elements of the Property, from ground level, whilst standing within the curtilage or from the public highway adjacent.
8. The Applicant was in attendance at the Property. No one from the Landlord company attended.
9. The Tribunal members inspected the internal parts of the Property and the various matters detailed by the Applicant as requiring attention.
10. The Tribunal noted the following:-
 - Water escaping around shower screen in the bathroom
 - Water marking to the flooring adjacent bath
 - Bathroom flooring is defective, poorly patched, uneven and has loose boards
 - Broken window handle in bathroom
 - Missing TRVs (Thermostatic radiator valve) to several radiators
 - The gas cooker is disconnected
 - There is a leaking water supply pipe immediately above an electrical outlet
 - The balcony door is requiring adjustment/repair as it is not functioning correctly

11. The Applicant advised the following also:-

- The cooker is not working and has been condemned
- The heating system is not fully functioning- hot water only, no heating (Could not be tested)

12. The Tribunal took various photographs within the Property.

13. The Applicant advised that due to child care commitments – two young children were within the Property with the Applicant at the time of the inspection – he would not be able to attend the Hearing within the Tribunal Centre later that morning.

THE HEARING

14. No Party attended the hearing. The Applicant, of course, had been present at the inspection and explained his inability to attend the Hearing. No one from the Landlord company attended.

15. In the circumstances the Tribunal, having inspected the Property and having considered the documentation which had been submitted in support of the application determined the following repairs and actions are required by the Landlord: -

- a) Repair, or if necessary replace, the gas cooker at the Property and complete any necessary associated works, said works to be carried out by a suitably qualified Gas Safe Engineer.
- b) Instruct a suitably qualified Gas Safe Engineer to inspect, test and undertake such repairs as may be necessary to ensure that the heating system is in full working order, including replacement of missing Thermostatic Radiator Valves (TRVs).
- c) Instruct a suitably qualified electrician, who should be a member of Select, NECEIC or other approved body, to undertake inspection and testing of the electrical installation at the Property and to provide an Electrical Inspection Condition Report (EICR), completing any works found to be necessary.
- d) Repair, or if necessary replace, defective shower screen/seals/tiling around the bath ensuring that the installation is watertight, undertaking associated repairs including repair or replacement of damaged or defective flooring in the bath area, including re-instatement of floor coverings, to a satisfactory standard.
- e) Undertake repairs to all windows as required including servicing, adjustment or replacement of closing mechanisms, replacement of panes affected by condensation between glazing, and ensure windows are in working order.

PHOTOGRAPHS IN RELATION TO DECISION

The Tribunal took the following photographs on 23rd May 2025 as evidence in the case:-

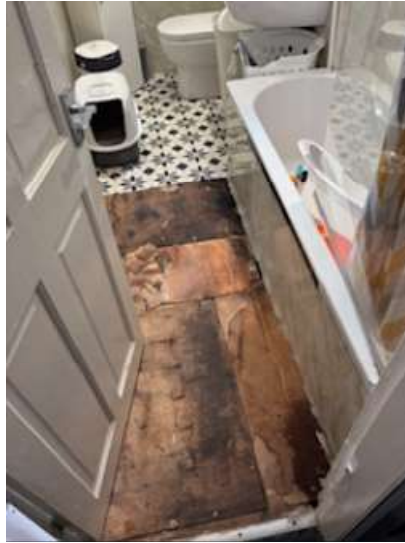
Cooker



Cooker showing connection / water pipe / leakage



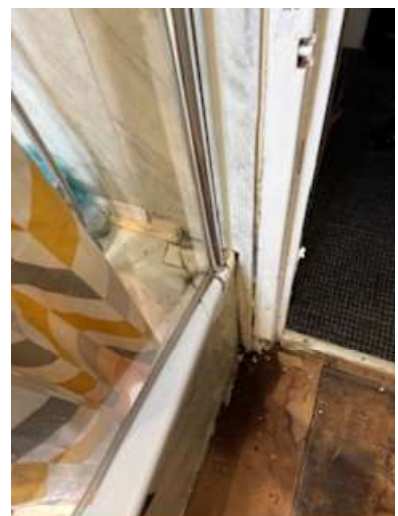
Defective Flooring to bathroom



Broken handle to bathroom window



Defective shower screen



Missing TRVs



Balcony Door



Street view of 35 Gogar Street



DECISION

The Tribunal determined that the Landlord has failed to comply with duties imposed by s13 of the Housing (Scotland) Act 2006.

A Repairing Standards Enforcement Order will be issued.

Right of Appeal

A landlord, tenant or third party applicant 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.

V Crawford. 15th July 2025