



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 26 (1) of the Housing (Scotland) Act 2006

Chamber Reference number: FTS/HPC/RT/25/1061

Re: Property at 25 Seaforth Road, Falkirk FK2 7TN (“the Property”)

Title No: STG48708

The Parties:

Falkirk Council Private Sector Team, The Forum, Callendar Business Park, Falkirk FK1 1XR (“the Third-Party Applicants”)

Mr Yousaf Shahzad, 6 Struan Avenue, Giffnock, Glasgow G46 7QN (“the Landlord”)

Mr Kevin Harvey and Mrs Suzanne Harvey, both residing at 25 Seaforth Road, Falkirk FK2 7TN (“the Tenants”)

**Tribunal Members: George Clark (Legal Member/Chair)
David Godfrey (Ordinary (Surveyor) Member)**

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 determined that the Landlord has failed to comply with that duty. The Tribunal made a Repairing Standard Enforcement Order in respect of the Property.

Background

1. By application, dated 10 March 2025, the Third-Party Applicants applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland (“the Tribunal”) for a determination of whether the Landlord had failed to comply with

the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”).

2. The application stated that the installations in the Property 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 not in a reasonable state of repair and in proper working order and that the Property does not have an interlinked system of fire and smoke alarms and adequate carbon monoxide alarms. Specifically, the Landlord had failed to provide when requested to do so copies of a current Electrical Installation Condition Report or a Gas Safety Certificate and had not provided confirmation that the Property has interlinked smoke and heat detectors and a carbon monoxide detector.

The Inspection

3. The Tribunal inspected the Property on the morning of 2 October 2025 and were admitted by the Tenants. The Third-Party Applicants were not present or represented. The Landlord was not present or represented.
4. A Schedule of Photographs, taken at the inspection, is appended to and forms part of this Statement of Decision.

The Hearing

5. Following the Inspection, a Hearing was held at Maxwell House, Stirling. The Third-Party Applicants were not present or represented. The Landlord was present. The Tenants were not present or represented.
6. The Landlord told the Tribunal that everything was working when the Tenants moved in in August 2014, but that they have refused entry on multiple occasions, including not allowing contractors into the Property to inspect and issue the relevant safety certificates after an appointment had been agreed.
7. The Tribunal advised the Landlord that its function is to determine whether the Property meets the Repairing Standard and, if it does not, to issue a Repairing Standard Enforcement Order. The Tribunal understood the Landlord’s frustration, but he has not exhausted all options open to him in relation to gaining access to the property, such as applying to the Tribunal for assistance in exercising his right of entry.

Findings of Fact

- The Property is a mid-terraced, two-storey, former local authority house.
- The Tribunal has not seen a current Electrical Installation Condition Report ("EICR") in respect of the Property.
- The Tribunal has not seen a current Gas Safety Certificate in respect of the Property.
- The central heating boiler does not function.
- The gas fire in the living room does not function.
- There are smoke detectors in the downstairs hall and the upstairs landing, but they are not interlinked. There is no smoke detector in the living room, nor is there a heat detector in the kitchen.
- There are no carbon monoxide monitors adjacent to the gas fire or the central heating boiler.

Reasons for Decision

8. The Property does not appear to have a current EICR.
9. The gas fire in the living room and the central heating boiler are not functioning.
10. The Property does not appear to have a current Gas Safety Certificate, covering the gas fire in the living room, the gas hob and the central heating boiler.
11. The Property does not have interlinked smoke and heat detectors, or a carbon monoxide monitor adjacent to the gas fire or the central heating boiler.
12. The Property fails to meet the Repairing Standard in relation to the matters described in the four preceding paragraphs.

Decision

13. Having considered carefully all the evidence before it, the Tribunal made a finding that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act and decided to make a Repairing Standard Enforcement Order ("RSEO").
14. The Tribunal wishes to make it clear to the Tenants that they are expected to co-operate with the Landlord by enabling access, on reasonable notice being given, for the inspections and repairs required by the RSEO.
15. The Tribunal's Decision was unanimous.

Right of Appeal

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.

G Clark 9 October 2025 Date