

Housing and Property Chamber
First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 24 (1)

Chamber Ref: FTS/HPC/RT/25/3229

RE: Property being the north by eastmost house on the third floor, and known as Flat 3/2, 20 Herriet Street, Glasgow G41 2RQ

("The Property")

The Parties:-

Glasgow City Council, NRS Private Housing, 4th Floor, 231 George Street, Glasgow G1 1RX

("the Third-Party")

Waqas Ahmed, the north by eastmost house on the third floor, and known as Flat 3/2, 20 Herriet Street, Glasgow G41 2RQ

("the Tenant")

Sameena Ashraf and Aaryan Islam Sattar, 28 Gartmore Grove Plains, Airdrie, North Lanarkshire ML6 7GA

("the Landlords")

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the duty imposed by Section 14 (1)(b) in relation to the house concerned, and taking account of the written and verbal representations by and on behalf of the Landlords and the inspection, determined that the Landlords have failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

The Tribunal consisted of:

Rory A.B. Cowan – Legal Member

Sara Hesp – Surveyor/Ordinary Member

Background

- 1) By application dated 22 July 2025 the Third-Party applied to the First-tier tribunal: Housing and Property Chamber for a determination as to whether the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) and Section 19B(4) of the Housing (Scotland) Act 2006 ("the 2006 Act") and section 86(1)(ga) of the Housing (Scotland) Act 1987.
- 2) The Application stated that the Third-Party considered the Landlords had failed to comply with their duty to ensure that the Property meets the repairing standard and in particular that:-
 - a) The Property did not have a functioning boiler in that there was no heating or hot water;
 - b) The Property did not have a smoke detection system that meets current legislative requirements;
 - c) The Property required but did not have a carbon monoxide detector; and
 - d) The veranda for the Property was covered in pigeon droppings due to "no proofing".
- 3) By letter dated 28 August 2025 the President of the Housing and Property Chamber intimated a decision to refer the application under Section 22 (1) of the 2006 Act to a tribunal.
- 4) The Tribunal served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the 2006 Act upon the Landlords and the Third-Party.
- 5) Following service of the Notice of Referral, written representations were received from the Landlords.
- 6) The Tribunal inspected the Property on the morning of 4 November 2025. The Tenant, was present and provided access. The Landlords did not attend the inspection nor were they represented. No one for the Third-Party attended the inspection.
- 7) Following the inspection of the Property, the tribunal held a hearing by way of conference call. Mrs Ashraf (one of the joint landlords) appeared on behalf of the Landlords. No one appeared on behalf of the Third-Party or the Tenant.

The Hearing

- 8) On behalf of the Landlords, it was submitted as follows:

The Boiler/Central Heating

That a new boiler had been fitted and that the Tenant had hot water and heating. Mrs Ashraf was unable to confirm who may have fitted the new boiler or whether they were GasSafe qualified as this had been organised through her son Mr Sattar who was the other joint owner of the Property. She was unable to confirm whether or not an appropriate commissioning certificate had been obtained or to provide a Gas Safety certificate that covered the new boiler. The Tribunal did note at inspection the boiler was working. The Tenant also confirmed that the heating was working and that he had hot water.

Fire Detection

Mrs Ashraf indicated that new smoke detectors had been fitted "2 or 3 days ago". She indicated that this had been done by the other joint owner but that he was not a qualified electrician. When asked about the separate heat detector, she indicated that she did not know what had been done or that it had not been replaced. She was unable to confirm what system had been fitted or provide an Electrical installation Condition Report that referred to the said system.

Carbon Monoxide Detector

Mrs Ashraf indicated that she was unable to comment on the issue of a carbon monoxide detector as she thought that the alarms that had just been fitted included that. It was noted at inspection that there was no carbon monoxide detector in the kitchen near the boiler, but there was one in the living room of the Property.

The Veranda

Mrs Ashraf indicated that birds and pigeons keep coming to the veranda and are causing the issue. When asked about the netting, curtains and bamboo that had been placed on the veranda to prevent them accessing same, she was unable to confirm whether or not it was the Tenant who had placed those items there or not as he had claimed at inspection. She did indicate that she thought the issue was that the Tenant was feeding birds on the veranda and attracting them.

Summary of the Issues

9) The issues to be determined are whether:

- a) The installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
- b) 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
- c) The Property meets the Tolerable Standard, being one that has satisfactory equipment installed for detecting and for giving warning of fire or suspected fire

and has satisfactory equipment installed for detecting, and for giving warning of, carbon monoxide present in a concentration that is hazardous to health.

Findings in fact and law

10) The Tribunal finds the following facts to be established:-

- a) That there is tenancy for the purposes of section 14(1) of the 2006 Act.
- b) That the tenancy commenced on or around 2013.
- c) That Sameena Ashraf and Aaryan Islam Sattar are the heritable proprietors of the subjects being the north by eastmost house on the third floor, and known as Flat 3/2, 20 Herriet Street, Glasgow G41 2QR and hold the landlord's interest in the tenancy for same with Waqas Ahmed.
- d) That the Property is a third-floor self-contained two bedroomed flatted dwellinghouse within a block of 8 such flats which constructed mid last century. The roof of the block is of pitched configuration finished with tiles whilst outer walls have had external insulation applied at some point after construction. Windows and external doors appear to be modern UVPC replacements.
- e) That there are operational smoke detectors in the Property which appear interlinked to each other.
- f) That there were no details of the type of smoke detection system that had been fitted to the Property or whether it complied with the appropriate standards
- g) That there is a heat detector in the kitchen which operates on a separate circuit to the smoke detectors and is not interlinked with them.
- h) That there was no carbon monoxide detector within the kitchen for the Property.
- i) That the Property has a recently fitted gas-fired boiler located within the kitchen to the Property.
- j) That there was no commissioning certificate provided for the new replacement gas boiler nor a Gas Safety Certificate that covered this new boiler.
- k) That the veranda is accessed by way of a door from the living room and as constructed is open to the elements with metal safety railings.
- l) That the Tenant has fitted some netting, fabric and bamboo canes in an attempt to keep birds such as pigeons from accessing the veranda.
- m) That the said netting, fabric and bamboo canes are in a state of disrepair.

Reasons for the decision

- 11) The Tribunal was not satisfied that the installations in the Property for the supply of gas, electricity or space heating were in a reasonable state of repair and in a proper working order for the following reasons:
 - a) Whilst there had been a new boiler fitted to the Property and, at inspection, appeared to be functioning, Mrs Ashraf was unable to provide any details of who had fitted the new boiler or whether they were Gas Safe qualified. She was unable to provide any form of commissioning certificate for the new boiler or provide a Gas Safety certificate which referred to same.
- 12) The Tribunal was not satisfied that the Property had satisfactory equipment installed for detecting and for giving warning of fire or suspected fire for the following reasons:
 - a) Whilst there were what appeared to be operational smoke alarms within the Property which had been fitted a matters of days earlier, Mrs Ashraf indicated that they had been fitted by Mr Sattar who was not a qualified electrician.
 - b) There were no details of what system had been fitted or whether it met current requirements.
 - c) In any event the smoke alarms were not interlinked with the heat detector
- 13) The Tribunal was not satisfied that the Property had satisfactory equipment installed for giving warning of carbon monoxide present in a concentration that is hazardous to health following reason:
 - a) There was no carbon monoxide detector within the kitchen of the Property where the gas central heating boiler was located.
- 14) The Tribunal was unable to determine whether the boiler to the Property was in a reasonable state of repair or in proper working order due to the lack of an active gas supply to the Property. As such, the Tribunal was not in a position to make an order in that regard.
- 15) The Tribunal determined that the fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order for the following reason:
 - a) Whilst it was noted that the netting, fabric and bamboo barriers were in a poor state of repair and did not prevent birds such as pigeons form accessing the veranda, the Tenant at inspection advised that he had fitted these and they were not fitted by the Landlords. The Landlords therefore have no obligation to maintain same.
 - b) The Property as originally constructed had no such netting fitted to it and to require the Landlords to fit same would be an upgrade to the Property and not a repair.

Observations

- 16) Whilst not a matter referred to in the Application, the Tribunal noted that the Property was affected by mould within the kitchen and the hallway (outside the bathroom door). The Tenant indicated that this mould had occurred during the period the Property was without heating. Had this formed part of the Application, and, had they been able to determine the matter the tribunal would have found the Landlord in breach of their obligations in that regard.
- 17) Further, of considerable concern to the Tribunal was the apparent lack of either a Gas Safety Certificate or an Electrical Installation Condition Report for the Property which was referred to in correspondence supplied with the Application. However, neither issue was directly raised as an issue within the Application, and the Tribunal was therefore unable to seek to determine same. The Landlords are reminded of their obligations to have both certificates and a failure to do so would not only be a breach of their obligations as landlords but also present a potential danger to the Tenant, his family but also to the Property itself.

Decision

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- 18) The Tribunal accordingly determined that the Landlord has failed to comply with his duties imposed by Section 14 (1)(b) of the 2006 Act.
 - 19) The Tribunal therefore decided to make a Repairing Standard Enforcement Order (RSEO) as required by section 24(1).
 - 20) The decision of the tribunal was unanimous.
 - 21) The Surveyor/Ordinary Member of the Tribunal took several photographs which form the schedule attached to this decision.

Right of Appeal

- 22) **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.**

23) 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.

R Cowan

Housing and Property Chamber

First-tier Tribunal for Scotland



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Schedule of photographs

All photographs were taken on 4 November 2025.



*Photograph 1: front elevation.
The subject property is top right in the block.*

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*Photograph 2: Hallway: Smoke detectors – newly installed and old.
Indicates presence of mould to ceiling*



Photograph 3: Kitchen: newly installed boiler



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Photograph 4: Kitchen: boiler cupboard (no carbon monoxide detector)



Photograph 5: Kitchen: newly installed smoke detector and old heat detector (not interlinked). Indicates presence of mould

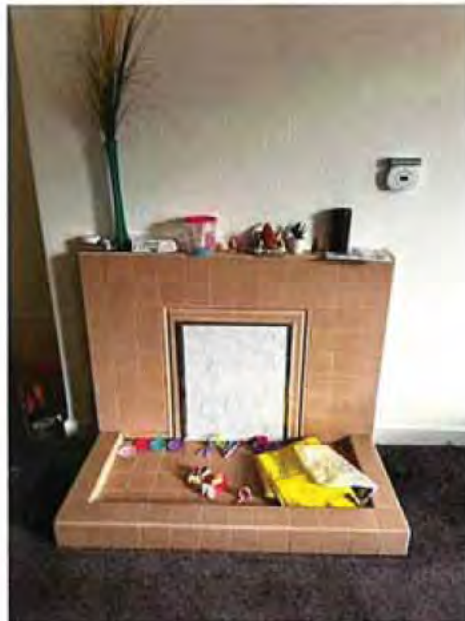


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Photograph 6: Living room: smoke detector base (old) and new smoke detector



Photograph 7: Living room: fireplace with carbon monoxide detector



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Photograph 8: Bed 1: rear double: newly installed smoke detector



Photograph 9: Bed 2: front double: newly installed smoke detector



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Photograph 10: Verandah: showing bird droppings



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