



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

### **STATEMENT OF DECISION of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 24 (1) of the Housing (Scotland) Act 2006**

**Property at 155 Castlemilk Road, Glasgow G44 4NA, being subjects registered in the Land Register of Scotland under Title Number GLA192214 ("the Property").**

**The Parties: -**

**Mrs Maria Danis, residing at 155 Castlemilk Road, Glasgow G44 4NA ("The Tenant")**

**Mr Sukhdev Lal, who has a correspondence address at 567 Cathcart Road, Glasgow G428SG ("The Landlord")**

**The Tribunal**

**Andrew Cowan (Chairman) and Kingsley Bruce (Ordinary/Surveyor Member)**

#### **Background**

1. By application dated 13<sup>th</sup> September 2025 (hereinafter referred to as "the Application") the Tenant applied to the Tribunal for determination as to 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 Tenant considered that the Landlord had failed to comply with the duty to ensure the House meets the Repairing Standard and, in particular the Landlord had failed to ensure compliance with section 13(1) of the Act.
3. In particular, the Tenant complained: -
  - a. the gas boiler at the Property was not operational (as at the date of the application)
  - b. the Landlord had failed to provide the Tenant with evidence that the electrical

- installations in the Property had been tested to ensure that they met current legal requirements
- c. the Landlord had failed to provide the Tenant with evidence that the gas installations in the Property had been tested to ensure that they met current legal requirements, and
  - d. that there was water ingress into one of the bedrooms at the Property.
4. Through a series of text messages sent by the Tenant's representative to the Landlord the Tenant had intimated to the Landlord requests to carry out necessary repairs to the Property and to produce valid electrical and gas safety certificates as required by legislation.
5. This application was accepted by the Chamber President on 18<sup>th</sup> November 2025 and was referred for the Tribunal's consideration.
6. By letter dated 24<sup>th</sup> November 2025 the Tribunal advised both the Tenant and the Landlord that they would inspect the property on 12<sup>th</sup> January 2026 at 10am. A hearing would then be held at 1145 on the same date at Glasgow Tribunal Centre, 20 York Street, Glasgow G2 8GT. The intimation to the Landlord was initially served by recorded delivery but was not collected by the Landlord. The intimation of the planned inspection and hearing was thereafter served upon the Landlord by Sheriff Officers on 6<sup>th</sup> January 2026.

### **Property Inspection**

7. The Tribunal inspected the property on 12<sup>th</sup> January 2026. The Tenant was present at the time of the inspection. The Tenant's representative, Mrs Dorota Janicka, was also present at the inspection. The Landlord did not attend the inspection.
8. At the inspection the Tribunal noted that the Property is an upper flat dwellinghouse in a block of four flats. The Property comprised a Lounge, kitchen, two bedrooms, bathroom and shower room.
9. The Tribunal noted that the gas boiler in the Property appeared to be operational at the time of the inspection, although they noted that the hot water from the boiler only appears to reach a temperature of 40 degrees centigrade.
10. The Tribunal noted that there was evidence of previous water ingress into one of the bedrooms at the Property. The affected area was adjacent to the chimney at the Property. At the time of the inspection there was no evidence that there was evidence of continuing water ingress.
11. The Tribunal noted that there was some evidence of condensation dampness around some of

the windows at the Property. The Tribunal noted that the extent of the dampness was not untypical for a property of the age and type of the Property.

### **The Hearing**

12. A hearing had been intimated to all parties and was held at Glasgow Tribunal Centre, 20 York Street, Glasgow G2 8GT.
13. The Tenant attended the hearing along with her representative, Mrs Dorota Janicka. The Landlord also attended the hearing.
14. At the start of the hearing the Tribunal outlined their observations from their inspection of the property. The Tribunal noted that the Landlord had recently instructed contractors to carry out repairs to the boiler, which was now operational. The Tribunal explained to the parties that there was uncertainty as to whether the boiler was operating correctly as the temperature of the hot water did not appear to reach an appropriate temperature, and the Tenant had complained that the boiler was making a loud noise when operational. The Tribunal was therefore not able to be satisfied that the gas boiler was in full working order. The Tribunal accordingly confirmed that they would wish the Landlord to exhibit a report from a registered Gas Safe employee that the boiler was in proper working order,
15. The Tribunal noted that, as at the date of the hearing, the Landlord had not provided the Tenant with a Gas Safety Certificate or an Electrical Safety Report in respect of the Property at any point during the Tenancy. The Tribunal accordingly confirmed that they would wish the Landlord to exhibit both a gas safety certificate and an electrical installation completion report to the Tribunal.
16. The Landlord accepted that he was required to produce a valid gas safety certificate and EICR in relation to the Property. At the Tribunal hearing the Landlord produced a gas safety certificate. The Landlord explained that the certificate was issued following an inspection of the Property by a Gas Safe operative in January 2026. The certificate produced by the Landlord at the hearing was dated 10<sup>th</sup> January 2025. The certificate produced was accordingly not valid.
17. The Tribunal had noted at the inspection that there was evidence of historic water ingress on the ceiling of the main bedroom in the Property. The affected area was adjacent to the chimney at the Property. At the time of the inspection there was no evidence that there was evidence of continuing water ingress. The Tribunal were not satisfied that there was evidence of ongoing water ingress into the Property.

18. The Tribunal noted that there was some evidence of condensation dampness around some of the windows at the Property. The Tribunal noted that the extent of the dampness was not untypical for a property of the age and type of the Property. The Tribunal were not satisfied that there was evidence of significant and ongoing dampness in the Property.
19. At the hearing the Landlord confirmed that he would obtain an electrical safety certificate and a current gas safety certificate for the Property. The Landlord also confirmed that he would produce a report from a Gas Safety operative to confirm that the boiler at the Property is in a reasonable state of repair and in proper working order.

### **Findings in Fact**

20. The Tribunal made the following findings in fact, and in law:-

- a. The Tenant of the Property is Mrs Maria Danis in terms of a Private Residential Tenancy Agreement between the parties dated 1st March 2023.
- b. The owner of the Property (and the Landlord in terms of the Tenancy Agreement) is Mr Sukhdev Lal.
- c. The tenancy between the parties was continuing as at the date of the hearing in relation to the Tenant's application.
- d. In terms of various text messages between the Tenant's representative and the Landlord the Tenant intimated to the Landlord that work required to be carried out to the Property for the purposes of ensuring that the Landlord comply with the duties imposed by Section 14(1)(b) of the Act.
- e. Certain works have been carried out to the Property by the Landlord since the date of the Application. In particular the Landlord has instructed gas operatives to carry out works to the boiler at the Property.
- f. The Landlord has failed to provide to the Tenant any Electrical safety certificate in relation to the Property. The Landlord has also failed to provide to the Tenant a current gas safety certificate in relation to the Property. The Landlord has accordingly failed to ensure that the installations in the house for the supply of gas , electricity and heating water are in a reasonable state of repair and in proper working order, (as required by section 13(1)(c) of the Act).
- g. The gas boiler in the Property is not operating correctly as it does not heat water to a reasonable temperature. The boiler can also make a loud noise when operational. The

Landlord has accordingly failed to ensure that the boiler is in a reasonable state of repair and in proper working order (as required by section 13(1)(b) of the Act);

### **Reasons for Decision**

21. The Tribunal were satisfied, on the written evidence which accompanied the Application together with the evidence presented at the hearing, that the Landlord had failed to demonstrate that the Property meets the Repairing Standard in relation to those matters raised by the Third Party in their Application.

### **Decision**

22. The Tribunal accordingly determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(d) of the Act.
23. The Tribunal proceeded to make a Repairing Standard Enforcement Order as required by section 24(1) of the Act. In particular, the Tribunal determined to require the Landlord:
  - a. The Landlord is required to produce a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to confirm that the installation is "satisfactory," has appropriate RCD protection wholly compliant with the repairing standard and has no recommendations in the C1 or 2 category or F1 items for further investigation.
  - b. To produce a valid and up to date Gas Safety certificate in respect of the property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the property meets the requirements of those regulations.
  - c. Instruct a Gas Safe registered engineer to undertake a full inspection of the gas boiler at the Property, and to repair any faults with the boiler, and to provide a report which confirms that the boiler is in a reasonable state of repair and in proper working order.
24. The Tribunal order that the works specified in the RSEO must be carried out and completed within the period of four weeks from the date of service of this Notice.

25. The decision of the Tribunal is unanimous.

# A Cowan

Andrew Cowan

Date 12<sup>th</sup> January 2026