



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/RP/25/1940

Re: Property at 51/3 Lorne Street, Edinburgh EH6 8QJ (“the Property”)

Title No: MID47828

The Parties:

Mr Gareth Cook and Ms Lisa Montague, both 51/3 Lorne Street, Edinburgh EH6 8QJ (“the Tenants”)

Mr Faizul Baksh, 48 Grigor Avenue, Edinburgh EH4 2PG (“the Landlord”)

**Tribunal Members: George Clark, Legal Member
Robert Buchan, 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 Landlords have complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 determined that the Landlord has not failed to comply with that duty.

Background

1. On 2 May 2025, the Tenants applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland (“the Tribunal”) for a determination of whether the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”).
2. On 4 August 2025, the Tenants confirmed that they wished the application to proceed in relation to the absence of a Gas Safety Certificate, An Electrical Installation Condition Report, smoke alarms, an Energy Performance Certificate, a Portable Appliances Test Certificate, and a Lead Inspection Report and Legionella Assessment in respect of the water supply to the Property.
3. Prior to the Inspection, the Landlord provided the Tribunal with a satisfactory Gas Safety Certificate dated 13 February 2025, an Electrical Installation

Condition report dated 1 March 2025, containing no C1 or C2 items of disrepair, satisfactory lead analysis report dated 4 July 2025, a satisfactory legionella assessment report dated 23 June 2025 and an Energy Performance Certificate dated 23 June 2025.

4. Prior to the inspection, the Tenants advised the Tribunal that they would be supported by Ms Kate Podles and the Landlord advised that he would be represented by Ms Zarina Rashid of APM Lettings, Edinburgh.

The Inspection

5. The Tribunal Members inspected the Property on the morning of 20 February 2026 and were admitted by the Tenant, Mr Cook, who was supported by Ms Podles. The Landlord was present with his representative, Ms Rashid of APM Lettings, Edinburgh.
6. An Inspection Summary and Schedule of Photographs, taken at the Inspection, is attached to and forms part of this Statement of Decision.
7. The findings of the Inspection are summarised below:
 - (i) The property comprises a first-floor flat in a four-storey traditional tenement erected towards the end of the 19th century.
 - (ii) The Tribunal did not have to inspect any items of disrepair, as the application related only to the production of documentation

The Hearing

8. Following the Inspection, a Hearing was held at George House, 126 George Street, Edinburgh. The Tribunal Chair advised the Parties at the outset that it was clear from the paperwork submitted that there were further matters in dispute between the parties, but that the Tribunal could only consider the matters included in the application. The parties confirmed that they understood that would be the case. The Tribunal Chair confirmed that the Tribunal had seen and was satisfied with the documentation referred to in Paragraph 3 of this Decision and that the only outstanding matter appeared to be that the Gas Safety Certificate had expired on 13 February 2026. The Landlord confirmed that he had an updated GSC, and the Tenant, Mr Cook, confirmed that he had received a copy yesterday. The Landlord's representative advised the Tribunal that the Landlord has agreed to replace the oven and cooker hood, which have failed a PAT test and that this work could be completed in the following week. The Tenant confirmed that he would make access available for the new items to be installed.
9. The Tribunal advised the Parties that, in the circumstances, it would delay issuing its Decision for a period of 7 days, to enable the installation of the oven and cooker hood to be carried out. When the Tenants advised that this work had

been done, the Tribunal would issue its Decision which would be that it did not propose to make a Repairing Standard Enforcement Order.

10. On 27 February 2026, The Landlord advised the Tribunal that the oven and cooker hood have been replaced and provided a PAT test record for both items. He also provided a Gas Safety Certificate dated 2 February 2026, which noted that the flue has a negative run but that it passed operationally. It also indicated that the positioning of the carbon monoxide monitor was incorrect.
11. On 2 March 2026, the Tenants confirmed that the oven and cooker hood had been replaced.

Reasons for Decision

12. A landlord has a duty under Section 14(1)(b) of the Act, to ensure that the Property meets the Repairing Standard at all times during the tenancy. Section 24(2) of the Act provides that, where the Tribunal decides that a landlord has failed to comply with that duty, it must, by Repairing Standard Enforcement Order, require the landlord to carry out such work as is necessary for ensuring the Property meets the Repairing Standard and must specify the period within which the work required by the Order must be completed.
13. The Tribunal is of the view that the Property does not fail to meet the repairing standard, but advises the Landlord that the carbon monoxide monitor should be moved to a higher location on the kitchen wall.
14. The Tribunal's Decision was unanimous.

G Clark

Legal Member 18 March 2026