

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)
("the Tribunal")

Notice of Failure to Comply with a Repairing Standard Enforcement Order:
Housing (Scotland) Act 2006 ("the 2006 Act"), section 26

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

Title Number: GLA128542 in the Land Register of Scotland

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")

Tribunal Members:

Rory Cowan (Legal Chair)

Sara Hesp (Ordinary Member)

Decision

The Tribunal, having carried out such enquiries as are appropriate, determined that the Landlords have **failed to comply** with the requirements of the Repairing Standard Enforcement Order ("RSEO") issued further to a decision of the Tribunal dated 18 November 2025. It further determined that notice of that failure should be

served on the Local Authority in whose area the Property is situated. The Tribunal further determined to make a Rent Relief Order.

Background

1, The Tribunal issued a Repairing Standard Enforcement Order ("RSEO") relative to the Property on 18 November 2025 following a decision that the Landlords had failed to comply with their duty under section 14(1)(b) of the 2006 Act. The RSEO required the Landlords to carry out the following works within 30 days of the date of the RSEO:

1) To provide either a commissioning certificate for the gas boiler installed at the Property or to instruct and obtain a Gas Safety Certificate for the Property which has been prepared by an appropriately qualified Gas Safe engineer in order to ensure that the Property's installations for the supply of gas are in a reasonable state of repair and in proper working order. A copy of the commissioning certificate or Gas Safety Certificate and all invoices for work that may be required to be carried out (along with further certification of same) to be sent to the office of the First-tier Tribunal: Housing and Property Chamber.

2) To install a smoke and heat detection system that meets current legislative requirements.

3) To install a carbon monoxide detector to the kitchen to meet current legislative requirements.

2. A reinspection was scheduled for 6 March 2026. Prior to the reinspection and not within 30 days of the date of the RSEO. At that reinspection it was noted that:

- The Landlords had not lodged a commissioning certificate or gas safety certificate with the Tribunal within 30 days (or at all) as required under the RSEO.
- The Landlords had not carried out any works to the smoke and heat detection equipment following the issuing of the RSEO and that the detectors fitted still did not meet legislative requirements.
- The Landlords had not a carbon monoxide detector in the kitchen.

A schedule of photographs prepared by the Ordinary Member of the Tribunal is attached to this decision.

Reasons for decision

6. In terms of section 28(1) of the Housing (Scotland) Act 2006, it is an offence not to comply with the terms of an RSEO. Section 28(2) allows a reasonable excuse defence where the Landlords are unable to comply with the order because of a lack of necessary rights despite having taken reasonable steps for the purposes of acquiring those rights.
7. The Landlords have failed to provide a commissioning certificate for the new boiler or even a Gas Safety Certificate which covered same as directed by the RSEO. The Landlords have also failed to carry out any of the required works in accordance with the RSEO.
8. The original RSEO was issued following a decision of the Tribunal dated 18 November 2025 which required compliance with the RSEO within 30 days due to the potential health and safety risks associated with the Landlords' failure to comply with the Repairing Standard. Accordingly, more than 3 months have passed since service of the RSEO, and no attempt has been made to comply with same despite the nature of the issues and no contact has been received from or on behalf of the Landlords to explain why they have not complied.
9. In terms of section 28(4) of the 2006 Act, the Tribunal decided on 6 March 2026 that the Landlords have failed to comply with the terms of the RSEO.
10. Therefore, in terms of section 26(2)(a) of the Act, the Tribunal determined to send a notice of that failure to the Local Authority in whose area the Property is situated.
11. The Tribunal is required in terms of section 26(2)(b) of the Act to decide whether to make a Rent Relief Order. The Landlords appear to have made no attempt to carry out any of the works required or provide the Tribunal with certification to show that the newly fitted boiler is safe. Further, there is no carbon monoxide detector in the kitchen where the boiler is located, and the smoke and heat detection system does not comply with current legislative requirements as set out in the original decision dated 18 November 2025. Accordingly, the Tribunal decided to make a Rent Relief Order to the extent of ninety (90%) per cent of the rent payable in terms of the lease agreement between the parties.
12. The decision of the Tribunal was unanimous.

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 within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed:

Date: 10 March 2026

R Cowan

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Housing and Property Chamber

First-tier Tribunal for Scotland



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

RENT RELIEF ORDER under Section 27 of the Housing (Scotland) Act 2006 as amended (“the Act”)

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

Title Number: GLA128542 in the Land Register of Scotland

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

(“The House”)

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”)

NOTICE TO (“the Landlords”)

Whereas in terms of its decision dated 18 November 2025, the First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the “said Act”) that the Landlords have failed to comply with the Repairing Standard Enforcement Order in relation to the House made by the Tribunal.

The Tribunal determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 90% of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief

Order may be appealed under section 64 of the said Act. To ascertain the last date on which the decision can be appealed, please refer to the information note on appeals and reviews, a copy of which is attached.

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.

In terms of Section 63 of the Act, 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.

If an application for permission to appeal is received, then the Tribunal will notify you of this and the eventual outcome of that application and any subsequent appeal.

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Housing and Property Chamber
First-tier Tribunal for Scotland



Flat 3/2 20 Herriet Street, Glasgow G41 2RQ

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Schedule of photographs

All photographs were taken on 6 March 2026 except for Photograph 1 below.



*Photograph 1 (taken on 4 November 2025): front elevation.
The subject property is top right in the block.*

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*Photograph 2: Hallway: Heat detector and wiring for old smoke detector.
Indicates presence of mould to ceiling.
As 4 November 2025*



*Photograph 3: Kitchen: boiler and cupboard (no carbon monoxide detector).
As 4 November 2025.*



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Photograph 4: Kitchen: smoke detector and old heat detector.



Photograph 5: Kitchen: Old heat detector – not working – red light illuminated

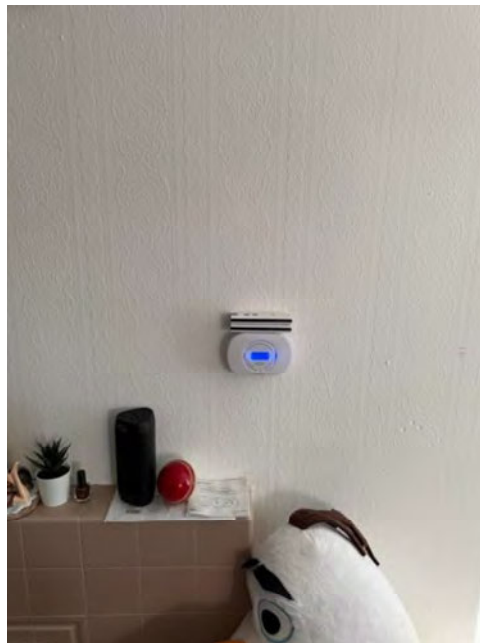


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*Photograph 6: Living room: smoke detector base(old) and new smoke detector.
As November 4 2025.*

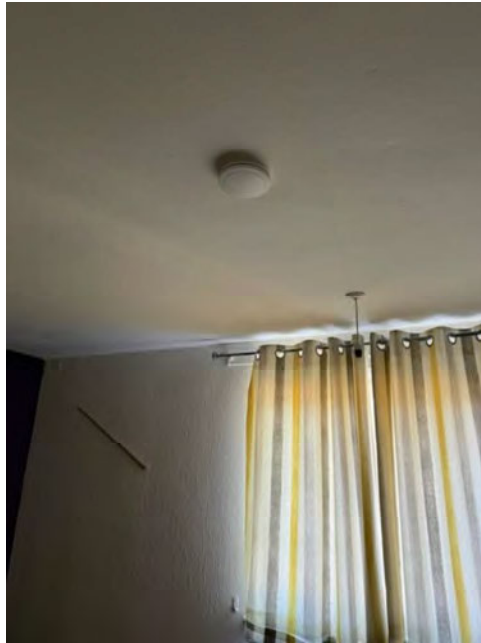


*Photograph 7: Living room: carbon monoxide detector above fireplace.
As November 2025.*

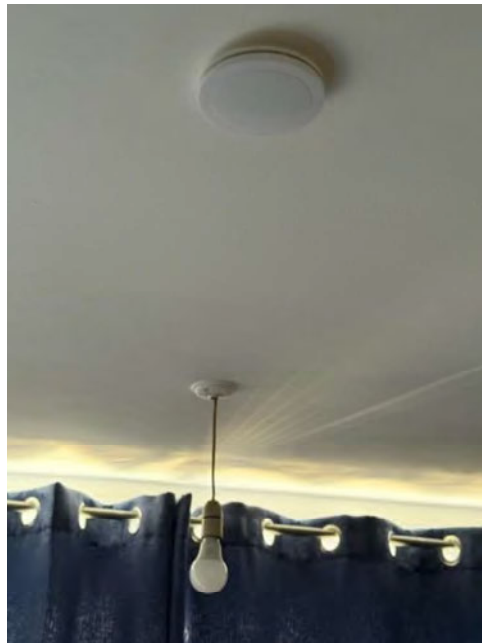


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Photograph 8: Bed 1: rear double: smoke detector. As November 4 2025.



Photograph 9: Bed 2: front double: smoke detector. As November 4 2025.



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