

Housing and Property Chamber
First-tier Tribunal for Scotland



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 60 of the Housing (Scotland) Act 2006

Chamber reference: FTS/HPC/RP/22/1367

Re: Property at 2/2, 27 Allison Street, Govanhill, Glasgow G42 8NP (“the Property”)

Land Register Number: GLA75938

The Parties:

Roman Gomez Herrero, sometime 2/2, 27 Allison Street, Govanhill, Glasgow G42 8NP (“the Tenant”)

**Rubina Haq, 12 Hexham Gardens, Glasgow G41 4AQ (“the Landlord”)
represented by Martin & Co, 180 Kilmarnock Road, Glasgow G41 3PG (“the Landlord’s agents”)**

Tribunal Members:

George Clark (Legal Member) and Carol Jones (Ordinary Member)

Decision

The First-tier Tribunal Housing and Property Chamber (“the Tribunal”), having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (“the Order”) in respect of the Property made on 25 July 2022, as varied by Variations dated 22 November 2022, 9 June 2025 and 23 January 2026, determined, in terms of Section 28(1) of the Housing (Scotland) Act 2016 (“the Act”) that the Landlord has complied with the Order and that a Certificate of Completion of Works should be issued.

Background

1. On 25 July 2022, the Tribunal made a Repairing Standard Enforcement Order (“RSEO”) in respect of the Property. The RSEO required the Landlord to carry out such work as was necessary for the purposes of ensuring that the house concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of the Order was made good.

2. The RSEO required the Landlord to:
 1. *Instruct a suitably qualified contractor to investigate the cause of the dampness in the kitchen and bathroom in the Property and undertake all works required to prevent further water ingress and damp in the kitchen and bathroom and make good any damage caused.*
 2. *Redecorate the areas affected by the water ingress in the kitchen and bathroom of the Property to an acceptable standard.*

3. The Tribunal ordered that the works specified must be carried out and completed within the period of 8 weeks from the date of service of Notice of the RSEO.

4. The Tribunal subsequently issued three Variations of the RSEO. They were dated 22 November 2022, 9 June 2025 and 23 January 2026 and their effect was that the deadline for carrying out the work required by the RSEO was extended to 28 February 2026.

5. The Tribunal reinspected the Property on 30 April 2026. The Landlord was represented by her husband, Mr Javaid Haq, of her agents. The Tenant, having vacated the Property, was no longer a Party to the application.

6. A Re-inspection Report is attached to and forms part of this Statement of Decision. The landlord also provided photographs taken before the repaired stack pipe was boxed in. They show a replacement section of communal soil stack having been fitted and also the kitchen wall, stripped of plaster and taken back to bare brick.

7. The Tribunal noted that this case has a long history, and that it had proved difficult to ascertain the cause of the water ingress and thus to determine whether it was an issue within the Property itself, the flat above at 3/2, or whether a communal repair was required. The Tribunal is satisfied from the information provided on behalf of the Landlord that the source of the problem has finally been identified and remedial work and consequential redecoration has been carried out.

Summary of the issues

8. The issues to be determined were whether the Landlord has carried out the works required by the Order and has, therefore, complied with the Order.

Reasons for the decision

9. The view of the Tribunal was that the work required by the RSEO has been completed. The photographs provided by the Landlord show the repair to the communal soil stack and indicate that the affected wall in the kitchen was completely stripped back to brick before remedial work was carried out. Moisture meter readings taken at the re-inspection do not indicate that there is an ongoing problem with the party wall between the kitchen and bathroom, where the mutual soil stack is located.

Decision

10. The Tribunal determined that the Landlord has complied with the Order made by the Tribunal on 25 July 2022 and that a Certificate of Completion of Works should be issued.

11. The decision of the Tribunal 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 the appeal is abandoned or so determined.

GEORGE CLARK

Signed

Legal Member/Chair

Date: 4 May 2026



Re-inspection report



Date of inspection: Thursday 30 April 2026

Reference Number : FTS/HPC/RP/22/1367

Property: Flat 2/2, 27 Allison Street, Govanhill, Glasgow G42 8NP

Ordinary (Surveyor) Member: Carol L Jones

Previous Inspections: The subject property was inspected by the First-tier Tribunal for Scotland (Housing and Property Chamber) on 22 July 2022 and as a result a Repairing Standard Enforcement Order (RSEO) dated 27 July 2022 was served. The property was re-inspected on 16 February 2023, 20 September 2023 and again on 30 April 2025.

Access: The landlord's husband Mr Haq provided access.

Weather: Dry, sunny and breezy.

In attendance: George Clark (Legal Member), Carol Jones (Ordinary Member) and the landlord's husband Mr Haq attended the inspection.

Repairing Standard Enforcement Order (RSEO) dated 27 July 2022

The Tribunal now requires the Landlord to carry out such works as are necessary for the purpose of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.

In particular the Tribunal requires the Landlord to :

1. Instruct a suitably qualified contractor to investigate the cause of the dampness in the kitchen and bathroom in the Property and undertake all works required to prevent further water ingress and damp in the kitchen and bathroom and make good any damage caused.
2. Redecorate the areas affected by the water ingress in the kitchen and bathroom of the Property to an acceptable standard.

The Tribunal orders that the works specified in this order must be carried out and completed within the period of 6 weeks from the date of service of this notice.

Works in the RSEO undertaken post 30 April 2025 - see attached photographs:

1. Following the re-inspection by the tribunal on 30 April 2025 further investigations were carried out by the landlord, Glasgow City Council and the property factor Southside Housing Association to establish the source of the ongoing leak causing damp in the kitchen and bathroom of the subject property. After gaining access to the flat above at 3/2 and stripping back the pipework the council were able to rule out the possibility of a leak from the flat above and concluded that the source of the water ingress was a leak in the communal stack pipe. The property factor, Southside Housing Association arranged for it's contractor Property One Ltd to investigate and carry out the necessary works on 19 January 2026 however Mr Haq informed the tribunal at this inspection that the contractor did not identify any issue with the pipe at that time. Mr Haq then arranged for his own contractor to carry out a more invasive examination which revealed the leaking section of pipe. Property One Ltd subsequently replaced the damaged section of pipe. As part of the investigations the landlord also stripped back the affected kitchen wall to the brickwork, applied a damp proof membrane and re-plastered the kitchen wall. This work was completed around four weeks ago. The internal stack pipe which was previously exposed in the bathroom has also now been boxed in and all damage made good. Damp meter readings were taken at this inspection, these showed consistently similar moderate moisture levels across numerous locations on the surface of the newly plastered and painted kitchen wall when the meter was applied in search mode but did not show any significant levels of moisture when the probes were used in a number of locations on the wall. No visible signs of damp were observed by the tribunal.
2. Following completion of the above works the landlord re-decorated the kitchen wall and all areas around the window in the bathroom including the ceiling above the window and the new boxing around the internal stack pipe.

All photographs were taken at the re-inspection on Thursday 30 April 2026 (see schedule below).

Comments: This report will be submitted to the First-tier Tribunal for Scotland (Housing and Property Chamber) for their decision.

**Carol L Jones MA MRICS
Ordinary Member (Surveyor)
First-tier Tribunal for Scotland (Housing and Property Chamber)
30 April 2026**

Schedule of photographs taken during the re-inspection of 2/2, 27 Allison Street, Glasgow G42 8NP by the ordinary member (surveyor) of the First-tier Tribunal for Scotland (Housing and Property Chamber) on the 30 April 2026.
Reference Number : FTS/HPC/RP/22/1367

	
<p>Kitchen - newly plastered and painted wall adjoining bathroom</p>	<p>Kitchen - example of damp meter readings showing moderate moisture levels across the surface of the wall adjoining the bathroom</p>
	
<p>Bathroom - internal stack pipe - concealed by new boxing and decorated</p>	<p>Bathroom - internal stack pipe - concealed by new boxing and decorated</p>
	
<p>Bathroom - internal stack pipe - concealed by new boxing and decorated</p>	<p>Bathroom - ceiling above window - re-lined and decorated</p>