

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION UNDER SECTION 24(1) OF THE HOUSING (SCOTLAND) ACT 2006

In connection with

Case reference FTS/HPC/RT/26/1698

Parties

Glasgow City Council ("Third-Party Applicant")

Mr Benedict Nevo ("Landlord")

Interested Person - Mr Calistus Ezeanoro ("Tenant")

Property at 89 Milnpark Gardens, Glasgow, G41 1DN ("the house")

Tribunal members: Mrs Aileen Devanny (Chamber President); Mrs Lorraine Charles (ordinary member (surveyor))

DECISION

The First-tier Tribunal, having made such enquiries in relation to the application submitted for a determination as to whether the Landlord has complied with the duty imposed by Section 14(1) (b) in relation to the house concerned, and taking account of the application, written representations, and findings at an inspection, determined that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act").

BACKGROUND

1. By application made on 16 April 2026 the Third-Party Applicant applied to the First-tier Tribunal (hereinafter referred to as "the Tribunal") for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14(1) (b) of the Act in respect of the house.

2. The application stated that the Third-Party Applicant considered that the Landlord had failed to comply with the duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure compliance with Section 13(1) (c) and (h) of the Act which requires the house to meet the tolerable standard in respect the house; to have an interlinked system of fire and smoke alarms; and it has an adequate piped supply of wholesome water available within the house; and the installations in the house for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order. Section 19A of the Act is relevant and includes a duty on the landlord to ensure regular electrical safety inspections and references to a duty under section 14(1) include the duties under this section. The Third-Party's complaints relate to failure to produce an electrical inspection condition report and Portable Appliance Test certificate; failure to produce the latest annual gas safety check certificate; the lack of evidence of interlinked smoke detection devices and a heat alarm; and the failure to produce the latest legionella risk assessment. The application included a copy letter to the Landlord intimating the complaints with proof of delivery.

3. By notice of acceptance dated 3 June 2026, the Tribunal gave intimation that the Chamber President had decided to refer the application under Section 23(1) of the Act to a Tribunal.

The Tribunal comprised the following members:

Mrs. Aileen Devanny, Chamber President
Mrs. Lorraine Charles, Ordinary member (surveyor)

4. The Tribunal served Notice of Referral under and in terms of Schedule 2 Paragraph 1 of the Act upon the Landlord, and the Third-Party Applicant. The Tenant is not a participating party but an interested person in the application.

Following service of the Notice of Referral, the Landlord did not submit written representations, nor did he indicate that he wished to attend the hearing which was conducted by teleconference call. A direction was issued on 4 June 2026 requiring the Landlord to produce specified documents to the Tribunal by 6 July 2026. These documents were

- I. The most recent electrical inspection condition report (EICR) on the house by a competent electrician on the working order and condition of the installation in the house for the supply of electricity and the report should also address the state of repair and working order of the electrical fittings and any appliances provided by the Respondent in the house (i.e. the periodic

inspection and testing record, sometimes known as a PAT test certificate). The provisions relating to competent electricians and electrical reports are contained in the Scottish Government Repairing Standard Statutory Guidance. This Guidance is available at

<https://www.gov.scot/binaries/content/documents/govscot/publications/regulation-directive-order/2024/01/repairing-standard-statutory-guidance-private-landlords/documents/repairing-standard-statutory-guidance-private-landlords/repairing-standard-statutory-guidance-private-landlords/govscot%3Adocument/repairing-standard-statutory-guidance-private-landlords.pdf>

- II. The latest annual gas safety check, otherwise known as a Gas Safety Certificate, which the Respondent has in his possession for the house from a Gas Safe Registered Engineer addressing the working order, condition and safety of any gas installation and gas appliances and flue in the house; and the certificate should also address whether there is/ are carbon monoxide alarm(s) which comply with the statutory guidance within the house.
- III. Evidence of interlinked fire detection devices and a heat alarm in the house, for example an invoice for installation or evidence within the electrical inspection condition report (EICR).
- IV. The latest legionella risk assessment for the house.

No response to the direction was received.

5. The Tribunal inspected the house on the morning of 6 August 2026. The Tenant's wife provided access to the house and was present throughout the inspection. The Landlord did not attend neither did the representative from the Third-Party Applicant.

6. Following the inspection of the house, a hearing took place by teleconference. Neither party attended the hearing by joining the teleconference call. Details of the date and time of the hearing with joining instructions had been notified to the Landlord and Third-Party Applicant.

SUMMARY OF THE ISSUE

8. The issue to be determined is whether the house meets the repairing standard as laid down in Section 13 of the Act and whether the Landlord had complied with the duty imposed by Section 14(1) (b).

FINDINGS IN FACT

9. The Tribunal made the following findings in fact: -

9.1. The Tenant has a tenancy of the house. The tenancy commenced around March 2014.

9.2. The Third-Party Applicant notified the Landlord of the complaints relating to the alleged breach of the repairing standard before making an application to the tribunal.

9.3 The Landlord has not provided an electrical inspection condition report, and a portable appliance test report to the Tribunal.

9.4 Inspection revealed that the house is a two-storey mid terrace property built around 1990, comprising a lounge and kitchen downstairs with bedrooms on the first floor. The Tribunal confined their inspection to the items of complaint in the application.

The property is all electric and there are no gas appliances. There appears to be a residual current device located in the electrical fuse box.

There is no heat detector in the kitchen and the only smoke alarms are located in the lounge and upstairs hall. These devices are of some age having been installed according to the Tenant's wife before they moved into the house in 2014. The two smoke detection devices were tested and were not in working order. There is no smoke alarm located in the downstairs hall.

9.5. At the hearing the tribunal members stayed on the call for 15 minutes encase the Landlord chose to dial in to participate but was having difficulties with connection.

REASONS FOR THE DECISION

10. In considering the repairing standard issue the Tribunal carried out an internal inspection of the house and closely examined the items of specific complaint highlighted by the Third-Party Applicant in the application. In addition, the Tribunal carefully considered the written documentation submitted.

Inspection of the house indicates that there are no fire detection devices working in the property. The Tribunal considers that to comply with Sections 13 of the Act and guidance issued by Scottish Government fire detection devices in the lounge, downstairs hall and upstairs hall landing with a heat alarm in the kitchen, all interlinked, require to be installed and in proper working order in the house. Additionally, an electrical inspection condition report for the house with a periodic inspection and testing record for any freestanding electrical appliances provided by the Landlord require to be produced along with a written legionella risk assessment.

The Tribunal considered that a period of 30 days would be a reasonable period for the works to be carried out and for production of the certification.

DECISION

11. The Tribunal, considering the terms of Section 13(1) of the Act, determined that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Act.

12. The Tribunal proceeded to make a Repairing Standard Enforcement Order ("RSEO") as required by Section 24(2), which Order is referred to for its terms. The Landlord is reminded that it is a criminal offence in terms of section 28 of the Act to let the house whilst a repairing standard enforcement order applies to the house and it is a criminal offence to fail to comply with a repairing standard enforcement order, without reasonable excuse.

13. The decision of the Tribunal is unanimous.

APPEAL PROVISIONS

14. A landlord 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.

AILEEN DEVANNY

Mrs Aileen Devanny
Chamber President
Dated: 12 August 2026



**Pre-hearing inspection summary and
Schedule of Photographs**



Property 89 Milnpark Gardens, Glasgow G41 1DN

Ref No: FTS/HPC/RT/26/1698

Tribunal members Mrs Devanny Legal member and Ms Charles Ordinary member Surveyor

Purpose of inspection

The purpose of the inspection is to prepare a record of the position at the property, specifically as it relates to the items raised in the application and any issues arising therefrom.

Access

The above Tribunal Members attended the property at 10:00am on 06/08/26. The tenant's wife Mrs Ezeanoro gave access to the property.

Lori Charles Date 06/08/26

BSC (Hons) MRICS

Ordinary Member Surveyor
First-Tier Tribunal for Scotland

Property inspection

Weather was sunny and dry

The property is a two storey mid-terrace three-bedroom house.

Appendix 1

Schedule of photographs taken during the inspection on 06/08/26

Lounge



Smoke detector fitted in lounge, tested during inspection and found not to be in working order.

1st floor hall



Smoke detector fitted at 1st floor hall, tested during inspection and found not to be in working order.

Ground floor hall



No smoke detector fitted within ground floor hall.

Kitchen



No heat detector fitted within kitchen