



Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Section 24(1) of the Housing (Scotland) Act 2006 (“the 2006 Act”)

Reference number: FTS/HPC/RP/25/0165

Re: 8 Gilchrist Drive, Falkirk, Tamfourhill, FK1 5DW (“the Property”)

The Parties:

Mr Muhammad Mushtaq (“the Tenant”)

Falkirk Council (“the Applicant”)

Mr Harmail Gill, Mr Kamal Jit Gill (“the Landlords”)

Tribunal Members :

Alastair Houston (Legal Member); David Godfrey (Ordinary Surveyor Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having made such enquiries as are fit for the purposes of determining whether the landlord has complied with the Repairing Standard Enforcement Order (‘the RSEO’) dated 22 July 2025 determined to vary the RSEO and extend the period for the landlord to comply with the RSEO by 28 days.

1. Background

1.1 By way application dated 14 January 2025 the Applicant sought a determination that the Respondents had failed to comply with their duties under section 14 of the 2006 Act. In particular, the Tenant alleged that the Property did not meet the following requirements under the 2006 Act:-

- *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,*
- *any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,*
- *the house meets the tolerable standard.*

1.2 An inspection of the Property took place on 23 June 2025. The First Named Landlord and Mr Craig Beat of the Applicant attended. A hearing took place on the same date attended only by Mr Beat. Following the hearing, the Tribunal issued the RSEO requiring the Landlords to:-

1. *To instruct an electrician to inspect the installations for the supply of electricity within the property and exhibit a valid Electrical Installation Condition Report to the Tribunal; and*
 2. *To install the appropriate system for the detection of fire, smoke and carbon monoxide within the property.*
- 1.3 Given the limited nature of the RSEO, the Tribunal did not believe that a further inspection of the Property to be necessary. The Landlords were notified that evidence in the form of photographs and relevant documentary reports would suffice to allow the Tribunal to determine whether the RSEO had been complied with.
- 1.4 By way of email dated 4 October 2025, the Landlords submitted documents purporting to be an Electrical Installation Condition Report (“the EICR”) and a Gas Safety Certificate.

2. Reasons For Decision

- 2.1 Following inquiry by the Tribunal, it was noted that the EICR could not be confirmed as having been produced by a suitably qualified tradesman as set out in the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property, available to parties online at <https://www.gov.scot/publications/repairing-standard-statutory-guidance-private-landlords/pages/16/>. Furthermore, the Tribunal noted that the EICR listed certain “C2” repairs as having been necessary and, whilst the EICR contained a statement that these had been completed, the Tribunal would expect to see a fresh report demonstrating that the faults had been remedied however, acknowledged that the RSEO that had been issued did not specify this.
- 2.2 The documents provided by the Landlords made no mention of working smoke, heat or carbon monoxide detectors. The Tribunal considered this to be a serious issue which remained outstanding but, given the need to obtain a further Electrical Installation Condition Report, that this was a straightforward step which could be addressed at the same time as the above. The Tribunal considered that no more than a further 28 days ought to be required to comply with the varied order.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

A Houston

**Legal Member
17 November 2025**