

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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 number: FTS/HPC/RT/25/1061**

**Re: Property at 25 Seaforth Road, Falkirk FK2 7TN (“the Property”)**

**Title No: STG48708**

**The Parties:**

**Falkirk Council Private Sector Team, The Forum, Callendar Business Park, Falkirk FK1 1XR (“the Third-Party Applicants”)**

**Mr Yousaf Shahzad, 6 Struan Avenue, Giffnock, Glasgow G46 7QN (“the Landlord”)**

**Mr Kevin Harvey and Mrs Suzanne Harvey, both residing at 25 Seaforth Road, Falkirk FK2 7TN (“the Tenants”)**

**Tribunal Members: George Clark (Legal Member/Chair)  
David Godfrey (Ordinary (Surveyor) 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 9 October 2025, 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**

**Following an Inspection and Hearing held on 2 October 2025, the Tribunal made a Repairing Standard Enforcement Order (“RSEO”) on 9 October 2025.**

The RSEO required the Landlord:

(i) To instruct a suitably qualified Gas Safe engineer to carry out such repairs as are necessary to restore to proper working order the gas fire in the living room and the central heating boiler, or to replace either or both of them, and thereafter to provide the Tribunal with a satisfactory Gas Safety Certificate in respect of the gas installation, central heating boiler, gas fire and gas hob.

(ii) To upgrade the systems for detecting fire by installing interlinked mains-wired or wi-fi connected smoke detectors in the living room, downstairs hall and upstairs landing and a heat detector in the kitchen.

(iii) To install carbon monoxide monitors in the living room, suitably positioned adjacent to the gas fire, and in the kitchen, suitably adjacent to the central heating boiler.

(iv) to exhibit to the Tribunal a current Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT registered electrician in respect of the property, containing no Category C1 or C2 items of disrepair.

The Tribunal ordered that the necessary Report and Certificate should be produced and the repair works completed within two months of the date of service of the RSEO on the Landlord.

The Tribunal reinspected the Property on the morning of 4 February 2026, following which it decided to Vary the RSEO and to give the Landlord a further period of two months to comply with Items (i) and (iii). The Tribunal noted at the reinspection that the central heating boiler had been replaced, a Gas Safety Certificate dated 31 October 2025 had been provided by the Landlord, smoke detectors had been installed in the hall, living room and upstairs landing, a heat detector had been installed in the kitchen, a carbon monoxide detector had been installed in the kitchen, and an Electrical Installation Condition Report dated 25 November 2025 had been provided by the Landlord, but the gas fire in the living room had neither been repaired nor replaced and there was no carbon monoxide detector in the living room. The Tribunal observed, however, that there were so many stored items in the room that it would be virtually impossible for a contractor to inspect and repair or replace the gas fire.

The Tribunal arrived to reinspect the Property on the afternoon of 6 May 2026 and were admitted by a tradesman who was redecorating the Property. The Landlord was not present or represented.

A Reinspection Report is attached to and forms part of this Decision.

### **Reasons for Decision**

The Tribunal noted that, whilst the gas fire in the living room has neither been repaired nor replaced and there is no carbon monoxide detector in the living room, the Property is undergoing renovation, and it is anticipated that the gas fire will be removed. There is also a central heating radiator in the living room, so the gas fire is not the sole source

of heating. Accordingly, the Tribunal decided that it would be appropriate to discharge the RSEO.

The Tribunal's Decision 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 day on which the appeal is abandoned or so determined.

Signed ...

G Clark.....

Legal Member/Chair

Date: 7 May 2026