



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 24 (1) of the Housing (Scotland) Act 2006.

Tribunal Ref: HPC/RP/25/2433

Property: 5 Firwood Road, Newton Means, Glasgow G77 5PX

Parties

The Applicants: Miss Shawana Sarwar, Miss Tracey Simpson, 5 Firwood Road, Newton Means, Glasgow, G77 5PX

The Landlord: Profesor Abdul Latif Khan, 15AB, Park Road, University Town, Peshawar, Khyber Pukhtoon khwa, Pakistan

Tribunal Members: Virgil Crawford (Legal Member) and Andrew McFarlane (Ordinary / Surveyor Member)

The Tribunal determined as follows:

BACKGROUND

1. The Property at 5 Firwood Road, Newton Mearns, Glasgow, G7 5PX is owned by the Respondent (Named in the land certificate as Abdulatif Khan).
2. The Property is let to the Applicant.
3. The Property and various fittings are in need of repair. The Applicants intimated the need for repairs to the Landlord.
4. Following a failure of the Landlord to effect the necessary work, the Applicant presented an application to the Tribunal seeking a Repairing Standards Enforcement Order.

5. The application raised the following repairing standards issues in terms of s13 (1) of the Housing (Scotland) Act 2006, suggesting there had been a failure in relation to the following: -
- (a) the house is wind and watertight and in all other respects reasonably fit for human habitation,
 - (b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
 - (c) 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,
 - (h) the house meets the tolerable standard
 - ii) In the case of a house having a supply of electricity, it complies with the relevant requirements in relation to the electrical installations for the purposes of that supply
 - iii) It has satisfactory provision for natural and artificial lighting, for ventilation and for heating
 - v) It is substantially free from rising or penetrating damp
 - vi) It has satisfactory thermal insulation
 - xii) It has satisfactory access to all external doors and outbuildings
 - xiii) It is structurally stable
6. The Tribunal arranged an inspection of the Property at 10.00am on 2nd March 2026 with a Hearing thereafter at 11.45am within the Glasgow Tribunal Centre, York Street, Glasgow.

INSPECTION ON 2nd MARCH 2026

7. The Property was inspected on Friday 2nd March 2026 by Mr Andrew McFarlane (Ordinary/Surveyor Member) and Mr Virgil Crawford (Legal Member). Weather conditions were dry and bright. The Property was occupied. The inspection was undertaken of external elements of the Property, from ground level, whilst standing within the curtilage or from the public highway adjacent. The internal parts of the Property were also inspected.
8. The Applicants were in attendance at the Property. Neither the Landlord nor any representative attended the inspection. The Tribunal was previously unable to serve the proceedings upon the Respondent by Sheriff Officers. The Tribunal subsequently advertised the proceedings on the Tribunal website.

The Tribunal was in receipt of a Certificate of Advertisement confirming that the Respondent had been given lawful notice of the proceedings. In the circumstances the Tribunal was satisfied, in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 that the Respondent had received intimation of the date and time of the inspection of the Property and considered that it was appropriate to proceed with the inspection in the absence of the Respondent in accordance with Rule 29 of said rules.

9. The Tribunal members inspected the Property and the various matters detailed by the Applicant as requiring attention.

10. The Tribunal took internal and external photographs of the Property.

11. The Tribunal noted the following: -

a) Toxic black mould

The Tribunal noted mould within the Property as follows: -

- i. Living Room – mould growth was present at lower levels behind furniture on the outer walls. Condensation was noted on the inside of windows and around window frames.
- ii. Dining Room – mould growth was noted on the outer wall at the door to the kitchen, at lower levels.
- iii. Family Bathroom – there was evidence of previous mould growth on the ceiling. There was some minor discolouration of areas of walls which were not tiled.
- iv. Shower Room – mould growth was noted on the ceiling and at joints of tiling on walls, particularly around the window.
- v. Rear Bedroom – mould growth was noted on the outer walls at the corner between the rear and side walls, at low level.
- vi. Sitting Room – no mould growth was visible.
- vii. Front Bedroom - mould growth was noted on the outer walls at the corner between the rear and side walls, at low level.
- viii. Upper floor bedroom – mould growth was noted mainly around the window.

Comments

The Tribunal, without analysis, cannot say if the mould is toxic or not, although generally mould is not good for the health of occupants of a property. The inspection was limited by furniture and stored goods.

A Peter Cox report submitted to the Tribunal supports the view that the mould is likely to be due to condensation as a result of heating and ventilation strategies, these being exacerbated by heat loss due to limited insulation.

The Applicants reported ill-fitting doors to family bathroom and shower room.

This would have allowed warm moist air to spread around the Property.

Solutions to the problem may include increasing ventilation to extract warm moist air at source and to improve insulation to reduce heat loss. (The issue in relation to insulation is addressed further below)

Mould in the upper floor is likely caused by either water penetration from outside or condensation run off from windows.

b) Gutters overflowing

An examination of the gutters from above disclosed evidence of accumulations of debris in the gutters. An examination from below disclosed evidence of leaking joints.

Comments

The Tribunal considers that the Respondent will need to clean out gutters to clear debris and will require to check joints and to reseal or replace if required.

c) Bathroom doors do not close properly

The Applicants advised this matter had been attended to but complained it was difficult to securely close the doors.

Comments

The Respondent should overhaul the doors to ensure they can be secured shut to prevent warm moist air transferring throughout the Property.

d) Extractor fans not working

- i. The fans in the bathroom appear operational but are not very efficient.
- ii. Two fans in the kitchen do not appear to be operational. A grille is missing externally.

Comments

The Respondent should instal larger, effective fans.

e) EPC – D cost of heating

The eaves of the roof space were accessed from the stairwell of the Property. No insulation was visible.

Comments

EPC is a measure of energy efficiency. The tolerable standard (s13(1) (h) (6) of the Housing (Scotland) (Act) 2006) requires satisfactory thermal insulation. Scottish Government guidance to local authorities states satisfactory means the presence of roof void insulation. Given the Tribunal was unable to see any insulation the insulation is not satisfactory.

Due to the layout of the Property and access to the roof space resolving the issue may be complex but it will require roof voids to be accessed and inspected to determine how much insulation can be added and where.

f) Bedroom windows draughty

This was not obvious to the Tribunal.

The windows appeared to be satisfactory with all seals intact.

g) Porch Roof defective

The Applicants advised that this had been repaired although they advised there was still a continuing roof leak.

Comments

There was no evidence of a roof leak in this area at time of inspection. The roof, generally, looks in reasonable condition with no widespread missing, loose or otherwise defective tiles.

h) Electrical sockets loose or do not work – EICR - RCD

These issues were not pointed out nor obvious to the Tribunal.

Comments

There appears to be EICR and RCD protection as required. However, as the EICR certificate expires in July 2026 the necessary work required to renew the EICR certificate will require to be done.

Other observations

- i. While it did not form part of the application, the Tribunal noted there was an operational carbon monoxide detector and alarm. This, however, is located in kitchen rather than the utility room where the boiler is located. It should be relocated in accordance with Scottish Government statutory guidance.
- ii. The Tribunal noted there were interlinked smoke and heat alarms and that these were operational.

THE HEARING

12. The Applicants attended the hearing. The Landlord did not. As detailed above, the Tribunal was previously unable to serve the proceedings upon the Respondent by Sheriff Officers. The Tribunal subsequently advertised the proceedings on the Tribunal website. The Tribunal was in receipt of a Certificate of Advertisement confirming that the Respondent had been given lawful notice of the proceedings. In the circumstances the Tribunal was satisfied, in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 that the Respondent had received intimation of the date and time of the Hearing and considered that it was appropriate to proceed with the Hearing in the absence of the Respondent in accordance with Rule 29 of said rules.

13. The Tribunal advised the Applicants of the inspection undertaken and the issues noted as above.
14. The Tribunal pointed out to the Applicants that it requires to restrict any repairing standards enforcement order to issues raised by the Applicants in the application to the Tribunal. Any matter noted by the Tribunal falling out with the scope of the application cannot be included in a Repairing Standards Enforcement Order.
15. In the circumstances the Tribunal, having inspected the Property and having considered the documentation which had been submitted in support of the application determined the following in relation to the application: -

(a) the house is wind and watertight and in all other respects reasonably fit for human habitation,

The Tribunal was not satisfied that the Property was not wind and watertight. While it was suggested there was a water leak in the porch that was not obvious to the Tribunal. If there is a leak it is a minor leak.

(b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,

The Tribunal determined that the gutters of the Property had debris within them and were leaking at various joints. Action is required to address this.

(c) 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.

The Property had a current EICR certificate, but it expires shortly after the date of the inspection. A further electrical inspection and EICR certification will be required.

(h) the house meets the tolerable standard (it being suggested the following requirements were not met)

ii) In the case of a house having a supply of electricity, it complies with the relevant requirements in relation to the electrical installations for the purposes of that supply

The Property had a current EICR certificate, but it expired shortly after the date of the inspection. A further electrical inspection and EICR certification will be required.

iii) It has satisfactory provision for natural and artificial lighting, for ventilation and for heating

The Tribunal found the extractor fans within the Property to be unsatisfactory, they being either inoperative or inefficient.

v) It is substantially free from rising or penetrating damp

The Tribunal did not find significant evidence of rising or penetrating damp. There may be damp around the upstairs bedroom window, this was not confirmed and, if damp existed it is not significant.

vi) It has satisfactory thermal insulation

The Tribunal found there was no thermal insulation.

xii) It has satisfactory access to all external doors and outbuildings

The Tribunal found the access to external doors and outbuildings to be satisfactory.

xiii) It is structurally stable

The Tribunal found no signs of structural instability.

16. The Tribunal having inspected the Property and having considered the documents lodged and submissions made in relation to the application determined the following repairs and actions are required by the Landlord: -

- a) Remove debris from the gutters of the Property.
- b) Repair, or if necessary, replace, the gutters at the Property.
- c) Instruct a suitably qualified electrician, who should be a member of Select, NECEIC or other approved body, to undertake inspection and testing of the electrical installation at the Property and to provide an Electrical Inspection Condition Report (EICR), completing any works found to be necessary
- d) Replace the extractor fans within the bathrooms and kitchen of the Property.
- e) Install thermal insulation within the roof / loft space of the Property.

PHOTOGRAPHS IN RELATION TO DECISION

The Tribunal took the following photographs on 2nd March 2026 as evidence in the case:-



1. Living Room behind TV



2. Living Room behind TV



3. Living Room fireplace



4. Living Room left of fireplace



5. Dining Room at Door to Kitchen



6. Carbon Monoxide Alarm above door from Kitchen to Utility Room



7. Utility Room with boiler



8. Extract fan in family bathroom



9. Redecorated ceiling to Family Bathroom



10. Shower Room



11. Shower Room



12. Shower Room



13. Rear Bedroom corner of outer walls



14. Front Bedroom corner of outer walls



15. Window to Front Bedroom



16. Extract Fan in Utility Room



17. Extract Fan in Kitchen



18. Consumer Control Unit



19. Testing record on Consumer Control Unit



20. First Floor Front Bedroom window



21. First Floor Front Bedroom Dormer Cheek



22. First Floor Front Bedroom window



23. Front roof slope from First Floor Front Bedroom



24. Eaves Roof void from Stair



25. Porch Ceiling



26. Front Gutter with leaking joint



27. First Floor Front Bedroom Dormer window



28. Side Roof



29. Side gutter with leaking joint



30. Rear Bedroom Roof



31. Kitchen Roof



32. Kitchen extract fan external



DECISION

The Tribunal determined that the Landlord has failed to comply with duties imposed by s13 of the Housing (Scotland) Act 2006.

A Repairing Standards Enforcement Order will be issued.

Right of 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 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 the day on which the appeal is abandoned or so determined.