



**Decision to Stop Assisting: Notification of decision under Section 28C(9) of the Housing (Scotland) Act 2006 (“The Act”)**

**Ref FTS/HPC/RE/23/3019**

**HOUSE AT 10 McMillan Street, Larkhall, ML9 1AZ**

**TENANT Mr James Stephenson**

**LANDLORD Scotleasing Ltd, 35 Albert Street, Aberdeen, AB25 1XU**

**LANDLORD REPRESENTATIVE GBS Lets Ltd, 82 Union Street, Larkhall, ML9 1DR**

**NAME OF AUTHORISED PERSON Jordan Hotchkiss or John Scoular, Electricians, Steven Wilson Electrical Services, 2 Kings Park Road, Mount Florida, Glasgow, G44 4TU**

I have reviewed the application received on 31 August 2023 and all information subsequently received and have made a decision to stop assisting the landlord, as I am entitled to do at any time under Section 28C(9) of the Act. This decision has been made for the following reason(s):

I attended the property on 8<sup>th</sup> May 2024 at the scheduled time, there was no sign of the tenant and as such access was not achieved.

On leaving the property a neighbour advised that the tenant had moved away and had not been at the property for several months. The representative from the letting agent was advised to make further enquiries before reverting back to the Tribunal, the Tribunal would then decide if it was still appropriate to continue assistance.

On 3<sup>rd</sup> June 2024 the tribunal wrote to the letting agent asking if further enquiries were made, had the tenant returned or abandoned the property? If the property had been abandoned, then to explain why assistance was still required.

The letting agent responded “We have made numerous enquiries but have not been able to establish whether or not the property has been abandoned. We have had conflicting reports that the tenant is still there so we are no further forward of knowing his whereabouts.”

The Tribunal’s role is to assist landlords where tenant refuses access or do not respond to requests for access, if the property is thought to be abandoned the landlord should seek legal advice to establish if the property has indeed been abandoned and on how to repossess the property. Should it be found that the tenant is still in the property and not facilitating access the landlord may reapply to the Tribunal.

**In terms of Section 28A(8) of the Act this decision of the member is final.**

E Dickson



E Dickson  
Member  
First-tier Tribunal for Scotland (Housing and Property Chamber)  
19<sup>th</sup> June 2024