



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

**Ref FTS/HPC/RE/24/2158**

**HOUSE AT 92 South Commonhead Avenue, Airdrie, ML6 6PA**

**TENANT Mrs Elizabeth Downie**

**LANDLORD Mr John Shannon, 31 South Commonhead Aveune, Airdrie, ML6 6PA**

I have reviewed the application received on 13 May 2024 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):

- A decision dated 8<sup>th</sup> August 2024 to assist the landlord access the property was issued to parties together with a cover note confirming *“The member has decided to assist you access the property, please note that this is for the purpose of viewing it’s state to determine whether the house meets the repairing standard. While you advise the gas safety check and an EICR are both outstanding, and you have provided evidence of trying to gain access dating back to 2021, none of your requests for access have been specifically for either a gas safety check and an EICR. these may be negotiated separately once access is achieved.”*
- The member set a date for access, being 27<sup>th</sup> November 2024 at 10 am, the applicant was again informed of the purpose of that access and by email of 16<sup>th</sup> October 2024 was informed *“You may contact the tenant direct to have the gas safety check or an EICR on the same day the tribunal member would hope that the tenant is agreeable for her own safety. If the tenant fails to give you access, and you can evidence the attempts made then you may make another application to the Tribunal for gas safety check or an EICR.*
- On 27<sup>th</sup> November the Landlord (who is also a gas engineer) was granted access, and carried out a gas safety check, while it is noted that the EICR

may still be outstanding it was never included in the members decision as explained in the above paragraph.

- The landlord was advised to request access for the EICR direct with the tenant providing her with details of who will be carrying it out, it is hoped that the tenant will agree without further recourse to the First Tier Tribunal.
- Further to recent communication from the landlord he is also advised that should further work be required as a result of the Gas Safety check he must liaise with the tenant, if however the tenant refuses access he may make a further application.
- It is acknowledged that there is mistrust and other issues with this tenancy, these are all outwith this application. Parties are advised to seek independent legal advice.
- This application relates only to access, access was achieved on the 27<sup>th</sup> November 2024, therefore I have made the decision to stop assistance.

**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)

1<sup>st</sup> December 2024