



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

Ref: FTS/HPC/RE/19/1268

HOUSE AT: 33 Rushbank,
Livingston,
EH54 6EY

TENANTS: Mr Donny Mitchell and
Mrs Stephanie Mitchell

LANDLORD: Mr Andrew Gray,
69 Columbia Avenue,
Howden,
Livingston, EH54 6PR

**PERSONS THE LANDLORD
INTENDS TO AUTHORISE
TO ENTER THE HOUSE:** Mr Gordon Fraser
Gas Engineer,
79 St Catherines Crescent,
Dykehead,
Shotts ML7 4HB

Gwen Ballantyne and
Gillian Whanell,
Romao 434 Ltd.,
6 Glasgow Road,
Bathgate, EH48 2AA

I have reviewed the application, dated 25 April 2019, 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 reasons:

- When the tribunal member and the landlord’s authorised persons attended at the property on 03 July 2019, a neighbouring occupant informed the tribunal member that the tenants had not resided in the property for some time.
- Representatives from Romao 434 Ltd., who were present at the property on 03 July 2019, acknowledged they were aware that the tenants did not reside at the property. They advised the tribunal member that the tenants resided in a local authority property at another location.

- Whilst at the property, the representatives from Romao 434 Ltd. made the tribunal member aware that steps were being taken to terminate the tenancy of the property with a view to recovering vacant possession.
- By telephone on 09 July, the landlord confirmed to the tribunal that he had been granted an eviction order which he intended to implement when issued.
- In an email on 09 July, the landlord advised the tribunal that the tenant (sic) had been granted a new social housing tenancy.
- Given that the tenants are no longer resident in the property and given that steps are advanced to recover vacant possession, the tribunal member does not consider it would be either necessary or appropriate for the tribunal to seek warrant for access in relation to the application to which this notice refers.

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

Colin M. Campbell

Member
First-tier Tribunal for Scotland (Housing and Property Chamber)

12 July 2019