



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

**Ref: FTS/HPC/RE/23/0945**

**HOUSE AT:** Flat 1/2, 42 Pendeen Crescent,  
Glasgow, G33 4TL

**TENANT:** Ms Laura Knox

**LANDLORD:** Mr Steven Johnston,  
93 Maxwell Drive,  
Glasgow, G69 6RP

**LANDLORD'S  
REPRESENTATIVE:** 247 Property (Scotland) Ltd.,  
1257 Shettleston Road,  
Glasgow, G32 7NG

**PERSON THE LANDLORD  
AUTHORISED TO ENTER  
THE HOUSE:** Mr Darren Healy,  
Electrician,  
1192 Tollcross Road,  
Glasgow, G32 8HQ.

I have reviewed the application, dated 24 March 2023, and all information subsequently received.

I 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.

**Background**

Following a failure to achieve access on 21 June 2023, the Tribunal Member obtained a warrant to access the property at Flat 1/2, 42 Pendeen Crescent, Glasgow using reasonably force, if necessary.

An email was sent to the landlord's representative on 31 July 2023 suggesting the time and date for access as 10am on 21 August 2023. By email of 31 July 2023, the landlord's representative confirmed that the proposed time and date was acceptable.

On 04 August 2023, it became apparent that it would be difficult to obtain the services of a locksmith for 10am on 21 August 2023. A telephone call was made to the landlord's representative on 04 August 2023 asking whether 10:30am on 21 August 2023 would be acceptable to them. The landlord's representative confirmed that 10:30am on 21 August was suitable for them.

An email was sent to the landlord's representative on 04 August 2023 confirming that the time and date set for access was 10:30am on 21 August 2023.

Intimation to the tenant, in terms of section 28C (6) of the Act, was made by letter of 04 August 2023 stating that the tribunal had fixed a time and date for the landlord to exercise the landlord's right of entry to the premises as 10:30am on 21 August 2023. The letter was served on the tenant by Sheriff Officer.

I attended at the property at 10:30am on 21 August 2023. Also present were a Sheriff Officer and assistant, a Locksmith and assistant, and a Venue Assistant.

The tenant was present in the property and confirmed she would voluntarily allow access.

No-one attended on behalf of the landlord.

In response to a telephone call from Tribunal support staff, the landlord's representative initially stated that the electrician was making his way to the property. However, during a second telephone conversation, the landlord's representative stated that there had been a misunderstanding over dates and that the electrician was not able to attend at the property during that morning.

I waited at the property until 11am on 21 August 2023 but neither the electrician nor any other representative of the landlord attended.

**The decision to stop assisting has been made for the following reasons:**

The landlord's representative was aware that a warrant had been granted and that the time and date set for access was 10:30am on 21 August 2023.

The tenant was present at the property to allow access. However, no-one attended on behalf of the landlord.

In the circumstance, I consider it appropriate to stop assisting the landlord.

**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)

22 August 2023