

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Ref FTS/HPC/RE/22/1192

HOUSE AT 2/2 203 Kirkton Avenue, Glasgow, G13 3AF

TENANT Mr Derek Boyd

LANDLORD Mr Liam Darroch, 352 Dyke Road, Glasgow, Lanarkshire, G13 4SH

**LANDLORD REPRESENTATIVE Countrywide, 2nd Floor, 26 Springfield Court,
Glasgow, G1 3DQ**

**NAME OF AUTHORISED PERSON Craig Gallagher, Quinnergy, 4 Barn Street
Mews, Strathaven ML10 6YT**

I have reviewed the application received on 27 April 2022 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):

1. On visiting the property in 20th October 2022 the Tribunal member was informed by neighbours that the tenant had vacated the property as much as a year before. The landlord’s rep was informed and asked for comment.
2. On 28th December 2022. the Landlords representative emailed stating “ the tenant is still present and has not vacated the property.”
3. On 11th Jan 2023 the tribunal wrote to the landlord’s representative as follows: “The Tribunal Member has concerns that the tenant is not living at the property. In your email you have stated the tenant is still present and not vacated the property. Can you provide any evidence to support your position? Please confirm if the tenant has been in touch with you or your colleagues, copy emails would be of assistance. Please also confirm if any action has been initiated by the landlord to take back possession of the property.”
4. On 31st January the Tribunal further email as follows:
“We refer to the Tribunal's email of 11th January 2023. Please advise if you can provide the information requested or if you require more time to respond. If no response whatsoever is received within 7 days the Tribunal Member will assume that assistance is no longer required and the case will be closed.”

5. On 9th February the landlord's representative responded, stating again that the tenant has not vacated and assistance was still required.
6. On 13th February the Tribunal requested further information to support the landlord representative's position.
7. On 16th February the landlord's representative responded but did not provide the required information.
8. On 28th February the Tribunal wrote again to the landlord's representative making it clear what information was required.
9. As no response was received the Tribunal sent a reminder requesting the information within 7 day otherwise it will be assumed assistance is no longer required and the case will be closed .
10. As of 31st March no response was received as such the case is now closed.

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

E Dickson
Member
First-tier Tribunal for Scotland (Housing and Property Chamber)
9th February 2023