



Decision to Stop Assisting (After Tenant Representations): Notification of decision under Section 28A(7) of the Housing (Scotland) Act 2006 (“The Act”)

Ref FTS/HPC/RE/18/1407

HOUSE AT 28 Delphwood Crescent, Tullibody, Alloa, Clackmannanshire, FK10 2TP

TENANT Mr William Matheson, Mrs Shirley Matheson

LANDLORD Homeselect Finance (No3) Ltd, Mainstay Residential Ltd, Whittington Hall, Whittington Road, Worcester, WR5 2ZX

LANDLORD REPRESENTATIVE Mainstay Residential Ltd, Whittington Hall, Whittington Road, Worcester, WR5 2ZX

NAME OF AUTHORISED PERSON Joe Dutton and Steve Dutton of Beckenham Windows PVCU Ltd, 22 Woodmere Way, Beckenham, Kent, BR3 6SL

I have considered the written representations received from the tenant on 3rd August 2018 made under Section 28A(6) of the Act, explaining why they feel it is inappropriate or unnecessary for the landlord to exercise their right of entry under Section 181(4) of the Act. Following consideration of these representations and my further investigation of the issues raised I have made the decision to stop assisting the landlord. This decision has been made for the following reason(s):

It is clear from the written representations from both parties that the dispute is not fundamentally about access, but rather the standard of work carried out to date, liability for the cost of making good works, cost of alleged damages, removal of waste material and other repairs which may or may not be required to the property. These are not issues that I can decide upon, but I consider that these issues must be resolved prior to access being granted. It is recommended that parties consider mediation or arbitration, further information is available on the Scottish Government website at <https://www.mygov.scot/resolve-housing-dispute/>. Alternatively, if the tenant considers the property does not meet that Repairing Standard they may apply to the Tribunal for a decision in that regard.

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

Elizabeth Dickson

Member

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

14th August 2018