



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

**Ref: FTS/HPC/RE/20/2248**

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

**TENANT:** Derek Boyd

**LANDLORD:** Liam Darroch,  
352 Dyke Road,  
Glasgow, G13 4SH

**LANDLORD’S  
REPRESENTATIVE:** Countrywide Residential Lettings Ltd.,  
3rd Floor, 23 Springfield Court,  
Glasgow, G1 3DQ

**PERSON THE LANDLORD  
INTENDED TO AUTHORISE  
TO ENTER THE HOUSE:** Darren Westwood,  
Glasgow Boiler Repairs

I have reviewed the application, dated 23 October 2020, 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.

The decision has been made based on the following:

- The application of 23 October 2020 stated a Gas Safety Check was required.
- The sole authorised person was a gas engineer.
- An Electrical Installation Condition Report (EICR) was not required at the point of the application, but it now transpires that it became necessary at a later date. The landlord could have requested an amendment to the application but did not do so.
- A time and date for access was set as 10:00am on 23 November 2021.
- Access was not obtained at the time and date set. Formal confirmation of refusal of access was issued to the parties on 25 November 2021.
- The landlord’s representative and tenant were notified that it was the member’s intention to apply for a warrant to access the property using reasonable force, if necessary.

- On 14 December 2021, the tenant informed the tribunal that a Gas Safety Check had been undertaken on 30 June 2021. The landlord's representative
- acknowledged that mistake might have been made but that access was required for an electrician.
- The tribunal member cannot apply for a warrant to access the property on the basis of an Electrical Installation Condition Report (EICR) being required when the application did not specify that access was required for that purpose nor was an amendment to the application sought.
- It remains unclear whether the tenant has refused a request to allow access for an electrician.

In all the circumstances, it would not be appropriate to continue with the application as set out, particularly given that access for a gas engineer was achieved.

I have taken a decision to stop assisting the landlord in this specific case.

The landlord may choose to make a fresh application for assistance if access for an electrician is refused.

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

C Campbell

Colin M. Campbell  
Member - First-tier Tribunal for Scotland (Housing and Property Chamber)

22 December 2021