



**Rejection of Application: Notification of decision under Section 28A (3) of the
Housing (Scotland) Act 2006 (“The Act”)**

*Reference within this Notice to “regulations” refers to The First-tier Tribunal for Scotland
Housing and Property Chamber (Procedure) Regulations 2017*

Ref: FTS/HPC/RE/20/1594

HOUSE AT: Flat 3/2, 9 Robertson Street,
Greenock, PA16 8DB

TENANT: Mr Lee Doherty

LANDLORD: Miss Chiara Cacioppo and Mr Dario Cacioppo, 7
Gleneagles Drive, Gourock, PA19 1HX

**LANDLORD’S
REPRESENTATIVE:** Mr Gioacchino Cacioppo,
7 Gleneagles Drive,
Gourock, PA19 1HX

As the member asked to decide on the application for access by the landlord to the property detailed above, I am writing to advise of that decision.

The landlord’s application consists of all documents received between 28 July 2020 and 01 October 2020.

After considering the application, taking into account the terms of Section 28A (3) of the Act, I have decided the application should be rejected.

The grounds for rejection are listed in Rule 8 (1) (a-e) of the schedule to the regulations. I have decided the application should be rejected on the following ground:

- (c) they have good reason to believe that it would not be appropriate to accept the application.

Rule 55. (a) of the schedule to the regulations requires that, where a landlord makes an application under section 28A (1) of the 2006 Act, the application must state:

- (I) the name and address of the landlord;
- (II) that the application is made under that section;
- (III) the address of the house in respect of which the application is made;
- (IV) the name, address and profession of any representative appointed by the landlord;
- (V) a telephone number to enable contact to be made with the landlord or any representative appointed by the landlord and any email address which may be used for such contact;

- (VI) the landlord registration number of the landlord or that an application for registration has been made in accordance with section 83 of the 2004 Act and has not been determined;
- (VII) the name, telephone number (if known), and email address (if known) of the tenant;
- (VIII) that the tenant has been notified in writing that the landlord wishes to exercise the landlord's right of entry;
- (IX) that entry to the house is sought for the purpose of paragraph (a) of section 181(4) of the 2006 Act or of paragraph (b) of that section or of both;
- (X) whether or not the landlord has, within the 12 months prior to the date of making of the application, made another application under section 28A (1) of the 2006 Act in respect of the same house; and
- (XI) the name of any person the landlord intends to authorise to enter the house.

The landlord has failed to provide the name of any person the landlord intends to authorise to enter the house, despite that being requirement (XI), and a specific question on the application form. Enquiries made of the landlord's representative by emails of 26 August, 30 September and 01 October did not result in the information being provided.

The tribunal member does not consider the application to be complete in the terms of Rule 55 (a) (XI). The landlord, through their representative, was given three opportunities to provide the information but did not do so, nor was there any indication that the information would be forthcoming.

The application is rejected as incomplete.

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

Colin Campbell

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

26 October 2020