

Housing and Property Chamber
First-tier Tribunal for Scotland



**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 2016*

Ref FTS/HPC/RE/23/2767

HOUSE AT 36 Wilson Street, Ayr, KA8 9LS

TENANT Ms Jami Aird

LANDLORD Mr Robert McKay, 39 Stark Avenue, Falkirk, Camelon, FK1 4PR

**LANDLORD REPRESENTATIVE Unit B5 Olympic Business Park, Drybridge
Road, Dundonald, KA2 9BE**

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 (on/between) 11 August 2023 and 2 November 2023. I have concluded that no further information is required before a decision can be made. After considering the application, taking into account the terms of Section 28A(3) of the Act, I have decided that the application should be rejected.

The grounds for rejection are listed in Section 55(1)(a-e) of the regulations. I have decided this application should be rejected on the following ground:

- a) the member has good reason to believe that it would not be appropriate to assist either the landlord or any person the landlord intends to authorise to enter the house, or both, to gain entry to the house;

The reason for rejection under this ground is that the landlord has already applied to the First Tier Tribunal for a decree for eviction on the ground that he was intending to sell the property and to exit the rental market. Decree was granted on 23 August 2023. Accordingly, as the tenancy is approaching its termination date and there is no indication of any pressing need for access, it has been decided not to assist.

02 November 2023

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

Gerard Darroch

G Darroch

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