

Housing and Property Chamber
First-tier Tribunal for Scotland



**Confirmation of refusal/ lack of access following a Decision to Assist the
Landlord under Section 28A(3) of the Housing (Scotland) Act 2006 ("The Act")**

Ref FTS/HPC/RE/23/1815

HOUSE AT 43 Haig Crescent, Dunfermline, Fife, KY12 0BD

TENANT Miss Emma Moffat

**LANDLORD Dr Hannah Rudman, Ms Joanne Hannah, 19/5 Cargil Terrace,
Edinburgh, EH5 3ND; 19/5 Cargil Terrace, Edinburgh, EH5 3ND**

**LANDLORD REPRESENTATIVE Fife Letting Service, 28 Chalmers Street,
Dunfermline, Fife, KY12 8DF**

**NAME OF AUTHORISED PERSONS Craig McLennan, Fife Letting Service,
Joshua Mitchell, GSM Electrical**

As the Member deciding on the above application for entry by the landlord, I confirm that attempts have been made to assist the landlord in exercising their right of entry to the house under section 181(4) of the Act.

The attempts involved the following:

(First attempt)

-notification of the application made under section 28 A(1) on the tenant dated 24th August 2023

-intimation on tenant and landlord of decision to assist the landlord dated 24th August 2023

-no representations were received from tenant on the application

-no further information was received or considered

-setting of a date and time by the panel member for the landlord to exercise the said right, that date and time being 2nd October 2023 at 2 p.m.

-notification by the Chamber of that date and time to the tenant and landlord on 20th September 2023

-receipt by the tenant of this notification is evidenced by Sheriff Officers report dated September 20th 2023

I confirm that I observed the refusal/lack of access on Monday October 2nd 2023 at 2 p.m. The property appeared to have no-one at home. No-one responded to knocks on the door, and after three attempts over a fifteen minute period we left the address.

Second attempt

-setting of a second date and time by the panel member for the landlord to exercise the said right, that date and time being 13th November 2023 at 2 p.m.

-notification by the Chamber of that date and time to the tenant and landlord on 1st November September 2023

-receipt by the tenant of this notification is evidenced by Sheriff Officers report dated 1st November 2023

The notification included the following wording:

If entry is not provided to the house at 43 Haig Crescent, Dunfermline, Fife, KY12 0BD at the time and date intimated, then a Warrant authorizing the member to exercise that right of entry using reasonable force may be granted by a Sheriff or a Justice of the Peace in terms of Section 182(1) of the Housing (Scotland) Act 2006. This notice is to be treated as a notice of intention to apply for such a warrant in the event that access as required is not given. If you are uncertain of the effect of this Notice, then you should seek the advice of a solicitor or seek advice from Citizens Advice Bureau

I confirm that I observed the refusal/lack of access on Monday November 13th 2023 at 2 p.m. The property appeared to have no-one at home. No-one responded to knocks on the door, and after three attempts over a fifteen minute period we left the address.

J Heppenstall

Jane Heppenstall

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

17th November 2023