

Housing and Property Chamber
First-tier Tribunal for Scotland



**Notice in terms of Section 28A(5) of a Decision to Assist the Landlord under
Section 28A(3) of the Housing (Scotland) Act 2006 (“The Act”)**

Ref FTS/HPC/RE/23/4346

HOUSE AT Craig Cottage, Craig, Strathcarron, IV54 8YU

TENANT Mr Matthew Wickham & Mrs Deborah Wickham

**LANDLORD Captain Nicholas Wills, Miserden Estate, Miserden, Stroud,
Cloucester, GL6 7JA**

**LANDLORD REPRESENTATIVE Murchison Law, 5 Ardross Terrace, Inverness,
IV3 5NQ**

PERSON THE LANDLORD INTENDS TO AUTHORISE TO ENTER THE HOUSE

Surveyor from Enviraz, Unit 35, Tyock Industrial Estate, Elgin, IV30 1XY

As the Member allocated to decide on the application made by the landlord for entry to the property detailed above, I have considered the application paperwork. This comprises documents received on/between 31 October 2023 and 8 February 2024. I have concluded that no further information is required before a decision in terms of Section 28A(3) of the Act can be made and have decided to assist the landlord in exercising their right of entry to the house.

The landlord is seeking entry for the purpose of:

carrying out any work necessary to comply with the duty in section 14(1)(b) of the Act. In particular, the landlord is seeking entry for the Surveyor from Enviraz to carry out an asbestos refurbishment survey in order that the repairs identified in the Repairing Standards case RP/23/1793 can be carried out safely. The landlord has indicated that this survey is necessary before the extractor fans can be installed in the kitchen and bathroom.

While the Right of Entry application also included a request for Gillian Ferguson, Associate Director, Strutt & Parker, to gain access to the property, it has now been acknowledged by Strutt and Parker, that the purpose of her visit was for other reasons.

Therefore this application is accepted in order to assist the Surveyor from Enviraz to access the property but not for Gillian Ferguson.

I am now seeking to arrange a suitable time for the landlord to exercise their right of entry under Section 181(4). A form is enclosed for all parties to supply suitable dates (with times if appropriate) to me, and it should be returned within 14 days beginning with the date of receipt of this notice.

If the tenant fails or refuses to respond within the period given above, or fails to agree a suitable date and time for the landlord to exercise their right of entry, then I may fix a date and time for the landlord to enter.

The tenant may, within the period given above, make representations in writing to the member as to why it is inappropriate or unnecessary for the landlord to exercise the landlord's right of entry under section 181(4). The tenant will receive with this notice a form to complete for the purpose of supplying representations. If representations are made by the tenant I will consider these and advise both parties of my decision.

Member
First-tier Tribunal for Scotland (Housing and Property Chamber)
14 February 2024