



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ('Procedure Rules').**

Case reference FTS/HPC/RE/24/1305

**Parties**

**Mr Charles Stewart, Mrs Maureen Stewart (Applicant)**

**Mr Ian McNaughton, Miss Charlene Law (Respondent)**

**24 Ramsay Place, Johnstone, PA5 0EX ('the Property')**

**Tribunal Member: Jacqui Taylor (Legal Member)**

**1. Background.**

1.1 The Applicant submitted an application dated 19<sup>th</sup> March 2024 to the Tribunal under section 28 of the Housing (Scotland) Act 2006 ('The Act') requesting the Tribunal to consider offering assistance in exercising the Landlord's right of entry to the Property.

1.2 The Tribunal administration sent the Applicant an email dated 11<sup>th</sup> April 2024 in the following terms:

*'A legal member of the Tribunal with delegated powers of the Chamber President has considered the application submitted by you. You have ticked the box in the form giving the reason why you want assistance with access is "to view the state and condition of the property for the purpose of determining whether the repairing standard is being met." Elsewhere in the form and in the accompanying documentation it appears that the issue you have is in relation to a dog in the property and you want to inspect the property in relation to this, not to ensure that the property meets the repairing standard. Please advise why you consider it appropriate for the Tribunal to assist you with access.'*

1.3 The Applicant replied by email dated 7<sup>th</sup> May 2024 in the following terms:

*'Your email stating 'Accompanying documentation it appears that the issue you have is in relation to a dog in the property and you want to inspect the property in relation to*

*this, not to ensure that the property meets the repairing standard' Yes this is correct. If we are not granted entry we will have no option than to go down Notice to leave.'*

**2. Decision.**

2.1 Section 28A(1) of the Act provides:

'A landlord may apply to the Tribunal for assistance under section 28C in exercising the landlord's right of entry to the house concerned under section 181(4).

Section 181(4) provides:

'A landlord in a tenancy ...is entitled to enter the house concerned for the purposes of:

- (a) Viewing its state and condition for the purpose of determining whether the house meets the repairing standard or
- (b) Carrying out any work necessary to comply with the duty in section 14(1)(b) or a repairing standard enforcement order.

2.2 The Applicant states in her email to the Tribunal dated 7<sup>th</sup> May 2024 that the reason she wishes entry to the Property is in relation to there being a dog in the Property. This reason does not relate to the Repairing Standard and therefore the Applicant's application to the Tribunal does not meet the requirements of section 28A(1) of the Act. Consequently, the Tribunal rejects the application in terms of rule 8 (1)(c) of the Procedure Rules.

J Taylor

.....Legal Member    Date:24<sup>th</sup> May 2024.