



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/24/1206

HOUSE AT Flat 1, 1 Collier Street, Johnstone, PA5 8AR

TENANT Mrs Heather Cunningham

LANDLORD Martin Docherty Limited, 40 Brisbane Street, Greenock, PA16 8NP

LANDLORD REPRESENTATIVE Penny Lane Homes, 36 High Street, Johnstone, PA5 8AH

NAME OF AUTHORISED PERSON Kellie Deans

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:

notification of the application made under section 28 A(1) on the tenant dated 13/3/2024;

intimation on tenant and landlord of decision to assist the landlord dated 3/4/24;

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 28/5/2024 at 10.30 am;

notification by the Chamber of that date and time to the tenant and landlord on 14 May 2024

receipt by the tenant of this notification is evidenced by a telephone call from the tenant to the landlord’s agent to advise that she would not be there. This was not received by the tribunal Member until after the arranged access date and time.

I confirm that I observed the refusal/lack of access on 28/5/2024

The late notification to the Tribunal of the non - availability of the tenant on the arranged date was the last in a series of eight attempts to gain access on the part of the landlord's agent: all timeously notified in advance.

Gerard Darroch

G Darroch

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