



**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/24/1948

HOUSE AT 21/2 Park Gardens, Musselburgh, EH21 7JY

TENANT Mr Ryan Sweeney

LANDLORD Finniston Properties, 21 Victoria Road, Helensburgh, G84 7RT

**LANDLORD REPRESENTATIVE D J Alexander, 10 Sunnyside, Edinburgh, EH7
5RA**

**Benaird Limited Electrical Services 1 Wemyss Place, Edinburgh, Edinburgh, EH3
6DH**

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 between 29 April 2024 and 29 May 2024. 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:

1. The Agent has confirmed that access is being gained to carry out property inspections and that the contractor has refused to carry out work due to the condition of the property, the Agent has further confirmed that the contractor will not carry out the works until the condition of the property is improved.

2. The Agent has confirmed that the condition of the property has not improved. This matter should be dealt with under other legal processes available to the landlord.

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

S Brydon

Member
First-tier Tribunal for Scotland (Housing and Property Chamber)
30 May 2024