



**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.**

**Case reference FTS/HPC/RE/24/3382**

**Parties**

**Sparks Homes Aberdeen Limited (Applicant)**

**Miss Samantha Hendry (Respondent)**

**Lindsays (Applicant's Representative)**

**440C Auchmill Road, Aberdeen, Aberdeenshire, AB21 9NN (House)**

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

1. Decision.

The Tribunal rejects the application by the Applicant dated 24<sup>th</sup> July 2024.

2. Background.

2.1 The Application made to the Tribunal is an application by the landlord for assistance in exercising right of entry under section 28A of the Housing (Scotland) Act 2006 ('the Act') in terms of section 181(4) of the Act.

2.2 Section 28A(1) of the Act is in the following terms:

'28A(1)A landlord may apply to the First-tier 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) of the Act is in the following terms:

“(4)A landlord in a tenancy to which Chapter 4 of Part 1 applies, or any person authorised by the landlord, is entitled to enter the house concerned for the purpose 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.’

2.3 The purpose of the application is set out at paragraph 3 of the paper apart which sets out the application details, which are in the following terms:

*‘The purpose of the visit is to allow for the applicant’s mortgage provider to send a surveyor to value the property for the purpose of re-mortgaging the property. The applicant has been informed this a requirement by the mortgage provider. The applicant has been informed there will be a fee of £1,600 if the re-mortgage does not happen and the bridging loan is not paid off by 16 June 2024. Without access being provided to the surveyor to the property urgently, this is a likely cost the applicant will have to incur. It is essential that the applicant is allowed access to the property on an urgent basis for this purpose.’*

3. Decision.

The purpose of the application is for the Landlord to gain access to his surveyor for the purposes of preparing a mortgage valuation report. This is not a purpose detailed in section 181(4) of the Act. The Tribunal reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

Jacqui Taylor

.....Legal Member    Date: 9<sup>th</sup> August 2024.