

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**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/24/3309**

<b>HOUSE AT</b>	<b>51 Kilmaurs Road, Kilmarnock, East Ayrshire, KA3 1NT</b>
<b>TENANT</b>	<b>Chloe McFarlane</b>
<b>LANDLORD</b>	<b>Mr Ademola Makinde, 77 Arran Drive, Auchinleck, East Ayrshire, KA18 2BS</b>
<b>LANDLORD REPRESENTATIVE</b>	<b>None</b>

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 (on/between) 22 July 2024 and 29 August 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 considers that the application is being made for a purpose other than a purpose specified in section 181(4) of the Act;

The reason for rejection under this ground is that the works specified in the Landlord Notification of Repair letter and in the Application - being noted as the repair, reinstatement or renewal of external fencing - do not appear to be covered by the definition of the Repairing Standard as set out in the Act and relevant guidance.

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

A handwritten signature in black ink, appearing to read 'G Laurie', with a large, stylized initial 'G'.

Gordon Laurie  
Member  
First-tier Tribunal for Scotland (Housing and Property Chamber)  
30 August 2024