

Housing and Property Chamber  
First-tier Tribunal for Scotland



**Notice in terms of Section 28A(5) of a Decision to Assist the Landlord under  
Section 28A(3) of the Housing (Scotland) Act 2006 (“The Act”)**

**Ref FTS/HPC/RE/24/4427**

**HOUSE AT:** 38C Bank Street, Kilmarnock, KA1 1HA

**TENANT:** Mr Archie Phiri

**LANDLORD:** Mr Gordon McKee, Linmore, 57A Main Street,  
Dundonald, KA2 9HH

**LANDLORD REPRESENTATIVE:** Limegreen Estate Agents Ltd, 14 The Cross,  
Prestwick, KA9 1AJ

**PERSON THE LANDLORD INTENDS TO AUTHORISE TO ENTER THE HOUSE:  
Malcolm Irving (Assessor for Limegreen)**

As the Member allocated to decide on the application made by the landlord for entry to the property detailed above, I have considered the application paperwork. This comprises documents received on/between 23 September 2024 and 6 March 2025. I have concluded that no further information is required before a decision in terms of Section 28A(3) of the Act can be made and have decided to assist the landlord in exercising their right of entry to the house.

The landlord is seeking entry for the purpose of:

**viewing its state and condition for the purpose of determining whether the house meets the repairing standard**

and/or

**carrying out any work necessary to comply with the duty in section 14(1)(b) of the Act, namely a water quality (legionella) assessment and portable electrical appliance testing**

I am now seeking to arrange a suitable time for the landlord to exercise their right of entry under Section 181(4). A form is enclosed for all parties to supply suitable dates (with times if appropriate) to me, and it should be returned within 14 days beginning with the date of receipt of this notice.

If the tenant fails or refuses to respond within the period given above, or fails to agree a suitable date and time for the landlord to exercise their right of entry, then I may fix a date and time for the landlord to enter.

The tenant may, within the period given above, make representations in writing to the member as to why it is inappropriate or unnecessary for the landlord to exercise the landlord's right of entry under section 181(4). The tenant will receive with this notice a form to complete for the purpose of supplying representations. If representations are made by the tenant I will consider these and advise both parties of my decision.

G Laurie

Gordon Laurie  
Member  
First-tier Tribunal for Scotland (Housing and Property Chamber)  
10 March 2025