



**Decision to Reject Application: Notification of decision under Section 28A(3)(b) of the Housing (Scotland) Act 2006 (“The Act”)**

**Ref FTS/HPC/RE/25/5017**

**HOUSE AT 6A Tullideph Street, Dundee, DD2 2PQ**

**LANDLORD Mr Steven Doogan, 474 Perth Road, Dundee, DD2 1LL**

The Chamber President have reviewed the application received on 19 November 2025 and all information subsequently received and have made a decision to reject the application under Section 28A(3)(b) of the Act. This decision has been made for the following reasons:

1. In the application form the landlord submitted to the tribunal on 19 November 2025 he stated that the reason he wished for entry into the property was “to view the state and condition of the property for the purpose of determining whether the repairing standard is being met.” The application was initially accepted for determination on 8 January 2026 based on this information.
2. In an email dated 17 February 2026 the landlord now states that he considers that the flat has been abandoned by the tenant as there was a large amount of her furniture dumped in the front garden in November 2025, which has since been uplifted by the Council in December 2025. He states that the tenant presumably made arrangements for the furniture collection. The landlord states “I need to have access to the property to get it sold.”
3. The application form submitted on 19 November 2025 does not refer to the reason for the application being that the tenant has abandoned the property and the right of entry application is a method of obtaining recovery of possession. The reason provided for the application was “to view the state and condition of the property for the purpose of determining whether the repairing standard is being met.”

#### 4. Legislation

##### **Housing (Scotland) Act 2006**

*Section 181(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.*

Incidentally, Section 14(1)(b) states

##### **“14 Landlord's duty to repair and maintain**

*(1) The landlord in a tenancy must ensure that the house meets the repairing standard—*

*.....(b) at all times during the tenancy.”*

**Private Rented Housing (Scotland) Act 2011** at Section 35 added the following provision to the 2006 Act.

##### **“28A Landlord application to private rented housing panel**

*(1) A landlord may apply to the private rented housing panel for assistance under section 28C in exercising the landlord's right of entry to the house concerned under section 181(4).”*

5. The legislative provisions apply for a limited purpose, namely where there is an existing tenancy in place and it is for the purpose of assisting the landlord to meet the repairing standard during the currency of the tenancy. The right of entry application can assist in arranging a suitable date for access if a tenant and landlord cannot agree a date by liaising between the parties. A right of entry application made under Rule 55 can only be made to enforce a right that the landlord has under Section 181(4).
6. In the landlord's email dated 17 February 2026, he indicates that he considers the tenant has abandoned the property, and he wishes access using the right of entry application to recover possession of the property with a view to its sale. This is not a purpose specified in Section 181(4) of the Housing

(Scotland) Act 2006 and accordingly, a right of entry application cannot assist in the process. A right of entry application is not the method by which a landlord recovers possession of a tenanted property which has been abandoned. The Chamber President considers that the application is being made for a purpose other than a purpose specified in section 181(4) of the 2006 Act.

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

The landlord may wish to seek legal advice.

# A Devanny

Aileen Devanny  
Chamber President  
Housing and Property Chamber  
First-tier Tribunal for Scotland  
18 February 2026