



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 2017. Reference to “rules” refer to The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 in schedule 1 of the said regulations

Ref FTS/HPC/RE/25/3706

HOUSE AT 119 Kincaidston Drive, Ayr, KA7 3XX

TENANT Miss Amy Cross, Mr Adam Forsyth

LANDLORD Mrs Emily Hamilton, 14 Shanter Wynd, Alloway, Ayr, KA7 4RS

LANDLORD REPRESENTATIVE <INSERT LANDLORD REP NAME>, <INSERT LANDLORD REP ADDRESS>

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) 1 September 2025 and 7 March 2026. 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 rule 8 (1) of schedule 1 of the regulations as follows:

8.—(1) *The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if—*

- (a) they consider that the application is frivolous or vexatious;*
- (b) the dispute to which the application relates has been resolved;*
- (c) they have good reason to believe that it would not be appropriate to accept the application;*

(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

I consider that in this case the application is to be rejected on the following ground:

(b) the dispute to which the application relates has been resolved;

The reason for rejection under this ground is: the Tribunal granted an Order for Eviction on 3rd December 2025, with a termination date of the 3rd January 2026 (EV/25/2316).

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

Gerard Darroch

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