

Housing and Property Chamber

First-tier Tribunal for Scotland



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FORM B

Applications by the landlord for assistance in exercising Right of Entry

Section 28A of the Housing (Scotland) Act 2006

This application form should be completed if you wish the Housing and Property Chamber to consider offering assistance under section 28A in exercising the landlord's right of entry to the house concerned under section 181(4).

Fill in this form in black ink, BLOCK CAPITALS and by ticking any boxes that apply. Remember that the tenant will be sent a copy of this form. To take a complaint to the Chamber under this Section, you must notify the tenant you wish to exercise your right of entry.

When we receive your application, we will send you a reference number which you should quote whenever you contact us.

If any information you give in this form changes, you must immediately give us written details of the change. We aim to treat you politely and with care. In return we expect you to be polite to our staff.

The First-tier Tribunal has the power to award expenses against a party where that party through unreasonable behaviour in the conduct of the case has put any other party to unnecessary or unreasonable expense. Exercise of this power is not linked to the outcome of the case.

There is guidance on our website relating to completing the application form and the procedures of the Chamber. We recommend that you read this guidance before completing this application form. The guidance should assist you in making your application, completing this form and with understanding the procedure relating to your application. If you require these guides in hard copy, then please contact us.

1. DETAILS OF THE PROPERTY TO WHICH YOU WISH ACCESS

a Address and postcode

b Local authority

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2. LANDLORD DETAILS

(Please note that the landlord is generally the owner of the property, which may differ from the landlord's representative (such as a letting agent or solicitor))

a Company/organisation name*

b Title (e.g. Mr, Mrs, Miss, Ms)

c First name

d Last name

e Address and postcode

f Telephone number

g Email address

h Landlord's registration number*

*If the landlord's registration number cannot be supplied, please confirm separately that an application for registration has been made in accordance with section 83 of the Antisocial Behaviour etc. (Scotland) Act 2004.

If landlords jointly own the property then names of all landlords and their relevant registration numbers should be stated on the application form. Please continue on a separate sheet if necessary, clearly marked at the top with your name and the property address.

i Is a representative helping you with this application?

Yes

☐

If Yes, please complete part 3

Please note if Part 3 is completed, we will correspond only with your nominated representative. If the representative changes, it is important that this is notified immediately to the tribunal

No

☐

If No, please go to part 4

3. LANDLORD'S REPRESENTATIVE DETAILS

Please note if Part 3 is completed, we will correspond only with your nominated representative. If the representative changes, it is important that this is notified immediately to the tribunal

b Company/organisation name*

c Title (Mr, Mrs, Miss, Ms)

d First name

e Last name

f Address and postcode

g Telephone number

h Email address

i Representative's profession

*Optional

4. TENANT DETAILS

a Title (Mr, Mrs, Miss, Ms)

b First name

c Last name

d Daytime telephone number

e Email address

5. APPLICATION DETAILS

a Please provide **a copy of the lease or tenancy agreement**, if available. If you cannot, please give as much information about the tenancy as you can on a separate sheet of paper clearly headed with your name and the property address.

b Please attach to the application **a copy of the notification sent to the tenant that the landlord wishes to exercise the landlord's right of entry**, and any subsequent correspondence relating to that notification. See the required documents section at the end of this form for details of the evidence required.

c Within the last 12 months, have you made another application under section 28A of the Housing (Scotland) Act 2006 in respect to the same property? (please tick the box which applies)

Yes ☐ No ☐

If **Yes**, please give details, including the outcome of any applications.

d Please indicate from the following list the appropriate reason(s) for which entry to the property is being sought: (tick the box or boxes that apply)

to view the state and condition of the property for the purpose of determining whether the repairing standard is being met

☐

to carry out any work necessary to comply with the duty in section 14(1)(b) (i.e. the repairing standard duty) **or** a Repairing Standard Enforcement Order (RSEO)

☐

If you wish to explain to the Chamber the reasons for your application or the details of the works which you consider are required to be done please provide details. Please continue on a separate sheet if necessary, clearly marked at the top with your name and the property address.

e If applicable, please provide the name, profession and contact details of any person you intend to authorise to enter the property.

5. APPLICATION DETAILS (CONTINUED)

f (Optional) If this relates to a repairing standard case before the Chamber please give:

(i) the reference number of the case

(ii) date for complying with the RSEO (if known)

6. REQUIRED DOCUMENTS

Tick each box to indicate that you have attached the relevant document:

Lease or tenancy agreement, if available, or as much information about the tenancy as possible

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Copy of the notification to the tenant that access is required, and evidence of delivery (e.g. email/recorded delivery receipt/written acknowledgement of receipt from tenant/tenant representative), and any subsequent correspondence relating to the notification

☐

7. SIGNATURE

We will store and process the information you provide in line with data protection law. You have the right to ask to see information we have about you and to challenge how we process your personal data. Processing of your information in relation to an application is necessary for the performance of a task carried out in the public interest in terms of Article 6 1(e) of the UK General Data Protection Regulation¹.

In order to process your complaint, the Chamber may need to contact other relevant organisations (for example the Local Authority) and we may need to obtain reports from relevant specialists. Further information on the organisations that may be contacted with details of your application is available on our website. In terms of the legislation² which governs the application process, we will send copies of any application, attachments, correspondence and representations to the other parties and their representatives. **We cannot progress your application without doing this.**

Please note also that legislation³ requires the Chamber to make any tribunal decisions and statements of reasons publicly available. Further information on how the administration processes personal data and on your rights can be found on the SCTS website⁴.

Where a party, a representative or an interested party provides an email address, the First-tier Tribunal will communicate using that address until the party, representative or interested party requests that another method of communication be used.

Your/Your representative's signature:

Date:

¹ <https://www.legislation.gov.uk/eur/2016/679/article/6>

² <http://www.legislation.gov.uk/ssi/2017/328/schedule/paragraph/9/made>

³ <http://www.legislation.gov.uk/ssi/2017/328/schedule/paragraph/26/made>

⁴ <http://www.scotcourts.gov.uk/about-the-scottish-court-service/contact-us/data-protection>