



**Confirmation of refusal of access following a Decision to Assist the Landlord
under Section 28A (3) of the Housing (Scotland) Act 2006 ("The Act")**

Ref: FTS/HPC/RE/22/1578

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| HOUSE AT: | Flat 1/2, 43 Mannering Court, Glasgow, G41 3QH |
| TENANT: | Mr John Thomson |
| LANDLORDS: | Mr Brian Smith and Mrs Catherine Smith, Glendevon, 7 Kirkburn Drive, Strathblane, G63 9EE |
| PERSONS THE LANDLORD INTEND TO AUTHORISE TO ENTER THE HOUSE: | Operatives provided by: Energy Cert Scotland, 2nd Floor, Clyde Offices, 48 West George Street, Glasgow, G2 1BP |

As the member deciding on an application for entry by the landlords, I confirm that attempts have been made to assist the landlords in exercising their right of entry to the house under Section 181 (4) of the Act.

A notice dated 25 July 2022 of a decision to assist the landlords was sent to the tenant by recorded delivery post on 28 July 2022.

A form was enclosed with the notice for the tenant to supply suitable dates (with times, if appropriate) for access.

The notice explained that if the tenant failed, or refused, to respond within a fourteen-day period or failed to agree a suitable date and time for the landlords to exercise their right of entry, then I may fix a date and time for the landlords to enter.

The tenant was invited to make representations in writing as to why it would be inappropriate, or unnecessary, for the landlords to exercise their right of entry under section 181(4).

No response to the notice of 25 July 2022 was received.

By letter, dated 17 August 2022, the tenant was advised that a time and date for access had been set as 10:00 on 31 August 2022

The letter was served by Sheriff Officer on 18 August 2022 by delivery to the tenant personally outside the property at 43 Mannering Court, Glasgow, G41 3QH

I attended at Flat 1/2, 43 Mannering Court, Glasgow with a Venue Assistant at 10:00 on 31 August 2022, being the time and date set for access. The tenant was present and indicated his willingness to allow entry. I observed issues within the property that might have hindered adequate access. The tenant undertook to deal with these issues to allow free access to his landlords at a later date.

Neither the landlords nor their authorised persons were present on 31 August 2022. Subsequent enquiry revealed that they had not received the notification sent to them.

I set a fresh time and date for access as 10am on 17 October 2022.

Notification to the tenant was by letter dated 30 September 2022. The notification was served on the tenant by Sheriff Officer on 03 October 2022.

I attended at the property at the time and date specified. Also present were Mr Brian Smith (Landlord) and Mr Gerard O'Donnell (Venue Assistant).

There was no response to several loud knocks on the door to the flat.

The tenant was contacted by the landlord via mobile phone. I spoke with the tenant via the landlord's mobile phone. The tenant refused access to the property. I explained that if access continued to be refused then I would apply for a warrant with a view to achieving access at a later date using reasonable force, if necessary.

I waited at the property until 10:30 on 17 October, Access was not achieved.

Colin M. Campbell

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

19 October 2022