

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/19/3805

HOUSE AT 13 Fintrie Terrace, Hamilton, South Lanarkshire, ML3 9QT

TENANT: Mr Benjamin George Baird

**LANDLORD: Mr Bob MacNair
Macnair Property Limited,
Glenbrook House,
22A Lesmahagow Road,
South Lanarkshire,
ML10 6DA**

**LANDLORD REPRESENTATIVE:
Mrs Gemma Waters
Cairn Estate & Letting Agent,
34 Gibson Street,
Glasgow,
G12 8NX**

**PERSON THE LANDLORD INTENDS TO AUTHORISE TO ENTER THE HOUSE:
Dylan Wood (Gas Engineer - Gas Safe Register No:4616447)
Quinnergy Ltd**

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 28 November 2019 and 3 January 2020. 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

to carry out the annual gas safety check to ensure that this is safe to use to comply with the duty in section 14(1)(b) of the Act. It is a **legal requirement for** landlords to **have** all **gas** appliances, pipework, chimneys and flues checked every 12 months to **make** sure the property they're renting out is **safe for** their tenants.

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.

M Lyden

Mary Lyden

Tribunal Member (Housing)
First-tier Tribunal for Scotland (Housing and Property Chamber)
17 January 2020