

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/19/1268

HOUSE AT: 33 Rushbank,
Livingston,
EH54 6EY

TENANTS: Mr Donny Mitchell and
Mrs Stephanie Mitchell

LANDLORD: Mr Andrew Gray,
69 Columbia Avenue,
Howden,
Livingston, EH54 6PR

**PERSONS THE LANDLORD
INTENDS TO AUTHORISE
TO ENTER THE HOUSE:** Mr Gordon Fraser
Gas Engineer,
79 St Catherines Crescent,
Dykehead,
Shotts ML7 4HB

Gwen Ballantyne and
Gillian Whanell,
Romao 434 Ltd.,
6 Glasgow Road,
Bathgate, EH48 2AA

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, comprising documents received on/between 29 April 2019 and 21 May 2019. 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 his right of entry to the house.

The landlord is seeking entry for the purpose of:

- **viewing it's state and condition for the purpose of determining whether the house meets the repairing standard, and**
- **carrying out any work necessary to comply with the duty in section 14(1)(b) of the Act**

I am now seeking to arrange a suitable time for the landlord to exercise his right of entry under Section 181(4).

A form is enclosed for all parties to supply suitable dates (with times if appropriate) to me. It should be returned within 14 days beginning with the date of receipt of this notice.

If the tenants fail or refuse to respond within the period given above, or fail to agree a suitable date and time for the landlord to exercise his right of entry, then I may fix a date and time for the landlord to enter.

The tenants 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 tenants will receive with this notice a form to complete for the purpose of supplying representations. If representations are made by the tenants, I will consider these and advise all parties of my decision.

Colin M. Campbell

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

21 May 2019