

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Confirmation of refusal/ lack 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/22/0550**

**HOUSE AT 97 Park Road, Hamilton, South Lanarkshire, ML3 6PD**

**TENANT Miss Samanna Smith**

**LANDLORD Mrs Grace McIlwraith, 54 Chestnut Grove, Motherwell, ML1 3JF**

**LANDLORD REPRESENTATIVE Rent Locally, 42-46 Cadzow Street, Hamilton, ML3 6DS**

**NAME OF AUTHORISED PERSON Andrew Goldie, Electrician, 26 Forrest Burn, Coatbridge, ML5 1BF**

As the Member deciding on the above application for entry by the landlord, I confirm that attempts have been made to assist the landlord in exercising their right of entry to the house under section 181(4) of the Act.

The attempts involved the following:

notification of the application made under section 28 A(1) on the tenant dated 7<sup>th</sup> June 2022;

intimation on tenant and landlord of decision to assist the landlord dated 7<sup>th</sup> June 2022;

no representations were received from tenant on the application;

setting of a date and time by the panel member for the landlord to exercise the said right, that date and time being 4<sup>th</sup> August 2022 at 10 am;

notification by the Chamber of that date and time to the tenant and landlord on 6<sup>th</sup> July 2022

receipt by the tenant of this notification is evidenced by the Certificate of Intimation provided by Walker Love, Sheriff Officers who delivered the notification via the letterbox in the property. Furthermore, Ms. Smith contacted the Tribunals office on the morning of the 4<sup>th</sup> August 2022 to attempt to cancel the scheduled visit. Thus, confirming Ms. Smith knew the scheduled date and time.

I confirm that I called at the property at the scheduled time, Ms Smith had earlier called the Tribunal's Office to cancel, however I was already travelling to the property.

I attended the property at the arranged time accompanied by Gerry O'Donnell the Venue Assistant, the Landlords Representative from Rent Locally and the Electrician. While I can confirm I observed the refusal of access on 4<sup>th</sup> August 2022, I did however speak to Ms. Smith. Ms. Smith confirmed that the refusal of access was due to her daughter's as yet undiagnosed skin condition which may or may not be infectious. Ms Smith has agreed to contact the Tribunal by close of business on 18<sup>th</sup> August to provide several alternative dates for the Tribunal and the landlord's Representative to consider.

I explained to Ms Smith that should she fail to contact the Tribunal with alternative dates by the agreed time then I will proceed to set another date. It was also explained to Ms Smith if access was not provided on the next agreed date I will then apply for a warrant in terms of Section 182(1) of the Housing Act 2006.

Thereafter the I will further attend with Sheriff Officers to execute the said warrant and will enter the said house using reasonable force if required.

E Dickson

E Dickson  
Member  
First-tier Tribunal for Scotland (Housing and Property Chamber)  
4th August 2022