



**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/22/0801

HOUSE AT: 26 Mossgeil Road,
Ayr, KA7 3DL

TENANT: Mr Michael Nowack

LANDLORD: LAR Housing Trust,
F3 Buchan House,
Enterprise Way,
Dunfermline, KY11 8PL

PERSONS THE LANDLORD HAS AUTHORISED TO ENTER THE HOUSE:

1. Mr Akmal Yamin,
Property Manager,
LAR Housing Trust,
(Address as above)
2. Personnel from:
Smith Technical Ltd.,
Suites 11-14, St James Business Centre,
Linwood Road,
Paisley, PA3 3AT

As the member deciding on an 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.

A notice dated 15 April 2022 of a decision to assist the landlord was sent to the tenant by recorded delivery post on 22 April 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 landlord to enter.

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

No response to the notice of 15 April 2022 was received.

By letter, dated 09 June 2022, the tenant was advised that a time and date for access had been set as 10:30 on 22 June 2022. The letter was served by Sheriff Officer on 10 June 2022.

I attended at the property at the time and date specified. Also present were Mr Akmal Yamin from LAR Housing Trust, an electrician from Smith Technical Ltd., and Mr Gerard O'Donnell (Venue Assistant).

I gave nine loud knocks (three bouts of three) on the individual door to the said flat.

I waited outside the property until 10:35. The tenant did not arrive.

I confirm I observed there was a lack of access at 10:30 on 22 June 2022.

C Campbell

Colin M. Campbell
Member, First-tier Tribunal for Scotland (Housing and Property Chamber)

23 June 2022