

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/0194

HOUSE AT 9 Swantson Muir, Edinburgh, EH10 7HT

TENANT Mr Kevin Law, Ms Theresa-Anne Cairns Hoggan

LANDLORD Mrs Elizabeth Rae, 56 Buckstone Terrace, Edinburgh, EH10 6RQ

LANDLORD REPRESENTATIVE Your Move, 51 High Street, Dalkeith, EH22 1JA

NAME OF AUTHORISED PERSON Mrs Elizabeth Rae, Landlord and Mr Martin Scott, Roofer, both c/o Your Move, 51 High Street, Dalkeith, EH22 1JA

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 28A(1) on the Tenant dated 14th February 2019

intimation on Tenant and Landlord of Decision to Assist the Landlord dated 14th February 2019

consideration of representations from the Tenant on the application received on 2nd 4th and 8th March 2019

no further information was received or considered

setting of a date and time by the Tribunal Member for the Landlord to exercise the said right , that date and time being 11am on 15th March 2019

notification by the Chamber of that date and time to the Tenant and Landlord on 4th March

receipt by the Tenant of this notification is evidenced by WalkerLove Sheriff Officers

I confirm that I observed the refusal of access by the Tenant on 15th March 2019

This is a difficult case and there is some tension between the Landlord and the Tenant over the use of the particular contractor – the Roofer – in this instance. Whilst the Tribunal Member cannot influence who the Landlord selects to gain entry and carry out any necessary repairs it was suggested to the Landlord on 15th March 2019 that a change of contractor be given serious consideration prior to the Chamber moving to the next stage in this process. It is not however believed that this will be further considered by the Landlord and it is also not clear whether or not entry would still be gained even if this change were to happen.

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