



**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/20/2248

HOUSE AT: Flat 2/2, 203 Kirkton Avenue,
Glasgow, G13 3AF

TENANT: Mr Derek Boyd

LANDLORD: Mr Liam Darroch,
352 Dyke Road,
Glasgow, G13 4SH

**LANDLORD'S
REPRESENTATIVE:** Countrywide Residential Lettings Ltd.,
3rd Floor, 23 Springfield Court,
Glasgow, G1 3DQ

**PERSON THE LANDLORD
AUTHORISED TO ENTER
THE HOUSE:** Mr Paul Gillen
Gas Engineer

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 his right of entry to the house under Section 181 (4) of the Act.

A notice dated 13 November 2020 of a decision to assist the landlord was sent to the tenant by recorded delivery post on 13 November 2020.

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 landlord to exercise his 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 his right of entry under section 181(4).

No response to the notice of 13 November 2020 was received.

On 11 December 2020, a letter was sent to the tenant stating that the then current situation with COVID-19 was such that the member did not propose to set a time and date for access at that time.

On 10 March 2021, a letter was sent to the tenant informing him that his landlord has a legal duty to repair and maintain gas pipework, flues and appliances in a safe

condition, to ensure an annual gas safety check on each appliance and flue, and to keep a record of each safety check. The tenant was informed that the tribunal proposed to set a time and date for access.

By letter, dated 07 April 2021, the tenant was advised that a time and date for access had been set as 09:00am on 20 April 2021. The landlord's representative subsequently intimated to the tribunal that access was not obtained on that date.

Due to continuing issues with COVID-19, the case was again put on hold.

On 01 November 2021, the tenant was advised that a time and date for access had been set as 10:00am on 23 November 2021. The notice was delivered by Sheriff Officer on 01 November 2021.

I attended at the property at 10:00am on 23 November 2021. Present also were Mr Gordon Knox (Landlord's Representative), Mr Paul Gillen (Gas Engineer) and Mr Gerrard O'Donnell (Venue Assistant).

I gave nine loud knocks (three and then six) on the individual door to the flat.

I waited on the common landing outside the flat for five minutes. There was no response from inside the flat.

I then waited at the outside the communal entrance of the property until 10:15am. The tenant did not arrive.

I confirm I observed there was a lack of access at 10:00am on 23 November 2021.

C M Campbell

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

23 November 2021