



**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/21/1930**

**HOUSE AT:** Flat 1/3, 308 Clyde Street,  
Glasgow, G1 4NP

**TENANT:** Mr Ryan Morgan

**LANDLORDS:** Mr Amer Rafique and  
Mrs Nosheen Asif Rafique,  
c/o Pacitti Jones Legal Limited,  
2-6 Havelock Street,  
Glasgow, G11 5JA

**LANDLORDS’  
REPRESENTATIVE:** Pacitti Jones Legal Limited,  
2-6 Havelock Street,  
Glasgow, G11 5JA

**PERSONS AUTHORISED  
TO ENTER THE HOUSE:** The landlords and a representative from  
Pacitti Jones Legal Limited

As the member deciding on an application for entry by the landlords, I confirm that attempts have been made to assist the landlords in exercising their right of entry to the house under Section 181 (4) of the Act.

A notice dated 13 September 2021 of a decision to assist the landlords was sent to the tenant by recorded delivery post on 21 September 2021.

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 landlords to enter.

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

No response to the notice of 13 September 2021 was received.

By letter, dated 25 October 2021, the tenant was advised that a time and date for access had been set as 16:00 on 08 November 2021. The letter was served by Sheriff Officer on 27 October 2021.

I attended at the property at the time and date specified. Present also were Mr Amer Rafique (Landlord), Ms Rosslyn Lithgow (Pacitti Jones Legal Limited) and Mr Gerrard O'Donnell (Venue Assistant).

I gave twelve loud knocks (two bouts of six) on the individual door to the said flat.

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

I then waited at the outside entrance of the property until 16:15. The tenant did not arrive.

I confirm I observed there was a lack of access at 16:00 on 08 November 2021.

# C Campbell

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

09 November 2021