



**Rejection of Application: Notification of decision under Section 28A(3) of the
Housing (Scotland) Act 2006 (“The Act”)**

*Reference within this Notice to “regulations” refers to The First-tier Tribunal for
Scotland Housing and Property Chamber (Procedure) Regulations 2016*

Ref FTS/HPC/RE/21/3202

HOUSE AT 5 Graden Farm Cottages, Kelso, TD5 8BS

TENANT Mr Kevin Renton, Mrs Lesley Renton

**LANDLORD Mrs Deborah Mills, Grayfield, Drumkeeran, County Leitrim, N41
R6K7, Ireland**

As the member asked to decide on the application for access by the landlord to the property, detailed above, I am writing to advise of that decision.

The Landlord’s application consists of all documents received (on/between) 23 December 2021 and 14 January 2022. I have concluded that no further information is required before a decision can be made. After considering the application, taking into account the terms of Section 28A(3) of the Act, I have decided that the application should be rejected.

The grounds for rejection are listed in Section 55(1)(a-e) of the regulations. I have decided this application should be rejected on the following ground:

- **the member has good reason to believe that it would not be appropriate to assist either the landlord or any person the landlord intends to authorise to enter the house, or both, to gain entry to the house;**

The reason for rejection under this ground is that the application for the Tribunal’s assistance is unnecessary at this time. The application is dated 20th December 2021. On 28th December 2021 the tenants provided access to the applicant’s son, Mr James Fairburn, and an electrician, having been advised by the applicant on 23rd December that a “full inspection of the condition of the property” would be completed.

The tenant has now clearly stated by email to the landlord dated 9th January 2022 that they have "...NO PROBLEM at all with the necessary workmen entering the property to complete works and WILL NOT deny access for any required works."

In that email the tenant also states that "...an inspection has already taken place." The tenant's position appears to be reasonable. The application asked for Mr. James Fairburn to gain access to complete inspections, and access for this was given on 28th December 2021, without the Tribunal's involvement. It therefore seems likely that access will be granted to the trades specified in the application to carry out any necessary works to meet the repairing standard without the Tribunal's assistance.

In additional information requested by the Tribunal, the applicant provided reasons as to why Mr. Fairburn needs to accompany the tradespeople in completing necessary works. It is not considered that these justify extending access to Mr. Fairburn beyond that requested in the application. An inspection has been undertaken. Professional tradespeople are well used to working in tenanted property without support and onsite direction.

It is suggested that the applicant make arrangements for the trades specified in the application to carry out any necessary works, giving the tenants sufficient and reasonable notice.

In terms of Section 28A(8) of the Act this decision of the member is final.

A Khan

A Khan
Member
First-tier Tribunal for Scotland (Housing and Property Chamber)

14th February 2022