



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

Case reference FTS/HPC/RE/21/2308

**Parties**

**Mrs Catherine McMahon (Applicant)**  
**Mr John Thomson, Ms Jean Irons (Respondent)**

**3 Cairns Court, Cambuslang, G72 8HW (House)**

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the applicant dated 22<sup>nd</sup> September 2021, being an application for assistance in exercising right of entry under section 28A of the Housing (Scotland) Act 2006. Section 28A(1) of the Housing (Scotland) Act 2006 states that a Landlord may apply to the Tribunal for assistance under section 28C in exercising the landlord's right of entry to the house concerned under section 181(4).

Section 181(4) states:

'A landlord in a tenancy ..... is entitled to enter the house concerned for the purpose of-

- (a) Viewing its state and condition for the purpose of determining whether the house meets the repairing standard, or
- (b) Carrying out any work necessary to comply with the duty in section 14(1)(b) or a repairing standard enforcement order.'

The covering email and correspondence from the Landlord explain that the application was made to the Tribunal as she requires access to enable her to have sales particulars prepared to enable the property to be placed on the market for sale.

The Applicant is not entitled to apply for assistance from the Tribunal to gain access to the property for this purpose.

Accordingly the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them**

# J Taylor

.....Legal Member    Date: 28<sup>th</sup> September 2021