



**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/22/1085

**Parties**

**Ms Cristie Boland (Applicant)**

**Ms Lucy Riches (Respondent)**

**D.W. Shaw Solicitors (Applicant's Representative)**

**19 Townhead, Dalmellington, Ayr, KA6 7QZ (House)**

**Tribunal Member: Jacqui Taylor (Legal Member)**

The Tribunal rejects the application by the Applicant under section 28 of the Housing (Scotland) Act 2006 requesting the Tribunal to consider offering assistance in exercising the Landlord's right of entry to the Property dated 13<sup>th</sup> April 2022.

In terms of Section 28A(1) of the Housing (Scotland) Act 2006 ('The Act') 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) of the Act provides:

A landlord in a tenancy to which Chapter 4 of Part 1 applies, or any person authorised by the landlord, 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 email from the Applicant's solicitor dated 1<sup>st</sup> June 2022 states, inter alia:

*'Cristie Boland has confirmed that access is no longer required for a gas safety inspection. Per Clause 12 of the Tenancy Agreement, the tenant should allow reasonable*

*access to the property for an “authorised purpose”. Clause 13(a) of the Tenancy Agreement lists “Valuing the Property or any part of the Property” as an authorised purpose.’*

The Applicant is not entitled to apply to the Tribunal for assistance in exercising the Landlord’s right of entry under section 28A(1) of the Act to enable her to have the property valued.

The Tribunal reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

# J Taylor

.....Legal Member    Date: 10<sup>th</sup> June 2022