



**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/21/3144

HOUSE AT: 10 Hay Street,
Greenock,
Renfrewshire, PA15 4BA

TENANT: Mr Reece Postle

LANDLORD: Mr Donald Brown
79 Downs Road,
Dunstable,
Bedfordshire, LU5 4DE

**PERSONS THE LANDLORD
AUTHORISED TO ENTER
THE HOUSE:** Ms Fay Robertson (Landlord’s assistant)
Mr Darren Riley (Eco by Assure)

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 20 January 2022 of a decision to assist the landlord was sent to the tenant by recorded delivery post on 26 January 2022. The notice was not signed for by the tenant.

The notice was reissued with a covering letter dated 11 February 2022 and served on the tenant by Sheriff Officer on 14 February 2022.

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 their 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 was received.

By letter, dated 03 March 2022, the tenant was informed that a time and date for access had been set as 10:00 on 16 March 2022. The letter was served by Sheriff Officer on 04 March 2022.

I attended at the property at the time and date specified. Present also were Ms Fay Robertson (Representing the landlord) and Mr Gerrard O'Donnell (Venue Assistant).

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

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

I then waited outside the property until 10:15. The tenant did not arrive.

I confirm I observed there was a lack of access at 10:00 on 16 March 2022.

C Campbell

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

16 March 2022