

Housing and Property Chamber
First-tier Tribunal for Scotland



Confirmation of refusal/ lack 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/21/1757

HOUSE AT 28 Memorial Road, Methil, KY8 3DA

TENANT Mr Jamie Birch, Mr Luke Birch

LANDLORD Mrs Christine Grist, Hare and Tortoise Cottage, 43 West End, St Monans, Fife, KY10 2BX

NAME OF AUTHORISED PERSON – Paul Munro, Gas Engineer 07769 873147 and Christine Grist, landlord, 07766 011047

As the Member deciding on the above application for entry by the landlord, I confirm that attempts have been made to assist the landlord in exercising their right of entry to the house under section 181(4) of the Act.

The attempts involved the following:

notification of the application made under section 28 A(1) on the tenant dated 21 July 2021;

intimation on tenant and landlord of decision to assist the landlord dated 23 August 2021

consideration of representations from tenant on the application received on 30 August 2021 re access on Monday to Thursday only.

setting of a date and time by the panel member for the landlord to exercise the said right, that date and time being 13 October 2021;

notification by the Chamber of that date and time to the tenant and landlord on

2 October 2021

receipt by the tenant of this notification is evidenced by a postponement request 2 October 2021. This was refused.

I confirm that I observed the lack of access on 13 October 2021. The property is a top right flat in a block of four flats and has stairs to the door to the right hand side of the property. Observations were the blinds were down in every window, there were cobwebs around the door, the bins were full and had milk bottles from June 2021. The garden was overgrown. A light was on in the bathroom. Nobody answered the door. Two brothers reside in the property.

H Barclay

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