

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/23/0687

HOUSE AT 13 Tannadice Court, Dundee, DD3 7QB

TENANT Ms Jean Reid, Mr Steven Higgins

LANDLORD Mrs June Robertson, 3 Stodrig Cottages, Kelso, TD5 7NZ

LANDLORD REPRESENTATIVE The Property Management Company, 19 Castle Street, Fife, DD6 9AE

NAME OF AUTHORISED PERSON David Wilkie, Property Management Company, Danny MacMillan, electrician

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 16th February 2023
- intimation on tenant and landlord of decision to assist the landlord dated 23/03/2023
- no representations were received from tenant on the application
- no further information was received or considered
- setting of a date and time by the panel member for the landlord to exercise the said right, that date and time being 1.30 p.m. Monday 15th May 2023. **This was the first attempt.**
- notification by the Chamber of that date and time to the tenant and landlord sent by recorded delivery 2nd May 2023 (tenant).

I confirm that I observed the refusal/lack of access on Monday 15th May 2023. I was present at the property for approximately fifteen minutes and knocked on the door three times within that time period with no reply.

- setting of a second date and time by the panel member for the landlord to exercise the said right, that date and time being 1.30 p.m. Monday 12th June 2023. **This was the second attempt.**

- notification by the Chamber of decision to continue to assist, the date and the time, and that the notification letter should be treated as an intention to apply for a warrant if access as required not given, served on the tenants by Sheriff Officer on May 26th 2023 including the following terms-

“If entry is not provided to the house at 13 Tannadice Court, Dundee, DD3 7QB at the time and date intimated, then a Warrant authorizing the member to exercise that right of entry using reasonable force may be granted by a Sheriff or a Justice of the Peace in terms of Section 182(1) of the Housing (Scotland) Act 2006. This notice is to be treated as a notice of intention to apply for such a warrant in the event that access as required is not given.”

-receipt by the tenants of this notification is evidenced by removal of Sheriff Officer documents which were affixed to the door as indicated in the report of May 26th

I confirm that I observed the refusal/lack of access on Monday 12th June 2023. I was present at the property for approximately fifteen minutes and knocked on the door three times within that time period with no reply.

J Heppenstall

June 19th 2023

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