



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/21/0600

HOUSE AT First Floor Right, 175 Crown Street, Aberdeen, AB11 6JA

TENANT Mr Ross Oliver

LANDLORD Mr Alan Douglas, 47 Loughborough Road, Kirkcaldy, KY1 3BZ

LANDLORD REPRESENTATIVE Stonehouse Lettings, 27-30 Garden Place, Aberdeen, AB10 1UP

Craig Aird / Lomond Maintenance

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 20th April 2021
- intimation on tenant and landlord of decision to assist the landlord dated 15th April 2021
- no representations were received from tenant on the application;
- setting of a date and time by the panel member for the landlord to exercise the said right, that date and time being **10:00 on 28 May 2021**
- notification by the Chamber of that date and time to the tenant and landlord on 12th May 2020

I confirm that on the basis of the information received since the scheduled date, that there was a lack of access on 28th May 2021. By email dated 31st May 2021, the landlord’s representative advised,

“Unfortunately we were unable to get access on the Friday the 28th May 2021. The tenant was not home. We waited around 20 minutes but no sign of him coming home.”

The respondent was sent notification of the property access date on 13 May 2021. This was received and signed for by the respondent on 14 May 2021, as confirmed by the Royal Mail tracking system.

I am satisfied therefore that the respondent had adequate notice of the date on which the right of entry was to be exercised, that they failed to facilitate this access, and that they failed to engage with the Tribunal throughout the process.

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

30th June 2021