



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/18/1555

HOUSE AT 15 Marigold Square, Ayr, KA7 3YH

TENANT Ms Melissa McClung

LANDLORD Parmjit Singh, 57 Bradley Road, Slough, SL1 3PL

LANDLORD REPRESENTATIVE Jaspal Singh, 57 Bradley Road, Slough, SL1 3PL

NAME OF AUTHORISED PERSONS Mr Jaspal Singh and Mr Parmjit Singh

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 24th July 2018
- Intimation on tenant and landlord of decision to assist the landlord dated 20th September 2018
- Consideration of representations from tenant on the application dated 29th September 2019.
- No further information was received or considered.
- Setting of a date and time for the landlord to exercise the said right, that date and time being 11am on Friday the 16th November 2012;
- Notification by the Chamber of that date and time to the tenant and landlord on 23rd October 2018, and again on 30th October 2018.
- receipt by the tenant of this notification is evidenced by the sending of the letters dated 23rd October and 30th October, first class and by recorded delivery.
- I confirm that I observed the lack of access on 16th November 2018,

I also wish to comment on an email the tenant sent to the Tribunal office dated 16th November 2018 timed at 07.18. In this email she stated that she would have to rearrange the appointment as she would not be in. I am satisfied that the tenant was given correct notice of the date of the right of entry. The tenant supplied no reason for cancelling the hearing. The very short notice provided for cancelling was unacceptable, particularly given the landlord representative was travelling a considerable distance to attend the appointment. Accordingly I agreed that the attempt to gain access should proceed as arranged.

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

23rd November 2018