

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/21/2144**

**HOUSE AT 152 Hillcrest Avenue, Cumbernauld, Glasgow, G67 1ES**

**TENANT Mr John McMillan**

**LANDLORD HK Properties Scotland Ltd, Heathery-Knowe, High Barrwood  
Road, Kilsyth, Glasgow, G65 0EE**

**LANDLORD REPRESENTATIVE Kelvin Valley Properties, 23 Main Street,  
Kilsyth, Glasgow, G65 0AH**

**NAME OF AUTHORISED PERSON**

**Stuart Howard, Owner, HK Properties Scotland Ltd, Heathery-Knowe, High  
Barrwood Road, Kilsyth, Glasgow, G65 0EE**

**Alan Caine, Senior Factoring & Contracts Assistant, West of Scotland Housing  
Association, Camlachie House, 40 Barrowfield Drive, Camlachie, Glasgow, G40  
3QH**

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 8<sup>th</sup> October 2021, service by Sheriff Officer:

intimation on tenant and landlord of decision to assist the landlord dated 8<sup>th</sup> October 2021, service to the tenant by Sheriff Officer;

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 30<sup>th</sup> November 2021 at 11 am;

notification by the Chamber of that date and time to the tenant and landlord on 19<sup>th</sup> November 2021, service to the tenant by Sheriff Officer

receipt by the tenant of this notification is evidenced by photographs provided by the landlord that suggest that mail is being uplifted periodically from the property, photographs also show an abandonment notice posted on the door of the property was removed from the property;

I confirm that I observed lack of access on 30<sup>th</sup> November 2021.

I attended at the property at 11:00am on 30 November 2021. Also in attendance were Stuart Howard,( Owner/ landlord ), and Mr Gerrard O'Donnell (Venue Assistant). The door to the flat was knocked loudly several times there was no response from inside the flat, I waited at the flat entrance for a further 10 minutes. The door was knocked again before leaving, I then waited at the communal entrance of the property until 11:20am. The tenant did not arrive. I confirm I observed there was a lack of access at 11:00am on 30 November 2021.

E Dickson  
Member  
First-tier Tribunal for Scotland (Housing and Property Chamber)  
7<sup>th</sup> December 2021