

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/21/2317

HOUSE AT Top Flat Left, 35 Jeffrey Street, Edinburgh, EH1 1DH

TENANT Mr Roy Griffiths

LANDLORD Mr Mark Lorimer, 37 Denbigh Street, London, SW1V 2HE

LANDLORD REPRESENTATIVE South Forrest Solicitors, 8 Ardross Terrace, Inverness, IV3 5NW

AUTHORISED PERSON Keith Mulholland, KM Electrical, 4 Backlee, Edinburgh EH16 6YH

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 include the following:

1. Intimation on tenant and landlord of decision to assist the landlord dated 14 October 2021.
2. Consideration of representations submitted by the Tenant and the Landlord.
3. Setting of a date and time by the Member for the Landlord to exercise the said right, that date and time being 28 October 2022 at 11.30am.
4. Notification by the Chamber of that date and time to the Tenant by letter dated 5 October which was served by Sheriff Officer on 7 October 2022.
5. Receipt by the tenant of this notification as evidenced by the certificate of service from the Sheriff Officer dated 7 October 2022 and emails received from the tenant dated 18 and 25 October 2022 in which he states that access will not be provided on 28 October 2022.

I confirm that I observed the refusal of access on 28 October 2022 at 11.30am. I attended at the property with the authorised person and his assistant. The property is a top floor tenement flat with a door entry system. I called the flat and the Tenant answered. When I identified myself and advised that the authorised person was also present, the Tenant stated that he was not prepared to allow access. On my request, he agreed to allow me to enter the building and to speak to him at the door to the property. I attended at the door of the property. The authorised person remained on the ground floor. I discussed the issue of access with the Tenant, at the door to the flat. I advised him that access was only required for the authorised person and his assistant for the purposes of inspecting the electrical installation at the property. I confirmed that I would not enter the property and that the electricians would wear masks. I stated that he did not require to remain in the same room as the electricians. The Tenant refused to allow access, stating that his refusal was due to his medical conditions and was based on medical advice.

J Bonnar

Josephine Bonnar, Legal Member:

First-tier Tribunal for Scotland (Housing and Property Chamber)
4 December 2022