

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/23/0118

HOUSE AT Flat 3, Hillhead House, Shandon, G84 8NP

TENANT Mr Samuel McBrearty

LANDLORD Ms Claire Weller, 12 Elvin Place, Forbes, Moray, IV36 3YD

LANDLORD REPRESENTATIVE Lomond Letting Ltd, 68 East Clyde Street, Helensburgh, G84 7PG

NAME OF AUTHORISED PERSONS Christopher Martin (Lomond Letting Ltd) and Lee Bealing (gas engineer, for the purpose of carrying out overdue gas safety certification)

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 20 February 2023;

intimation on tenant and landlord of decision to assist the landlord dated 28 February 2023;

no representations were received from tenant on the application;

consideration of further information in the form of a request from the Landlord's Representative that a gas engineer should attend as the required gas safety certificate is overdue since 18 January 2023;

setting of a date and time by the panel member for the landlord to exercise the said right, that date and time being 5 April 2023 at 10am;

notification by the Chamber of that date and time to the tenant and landlord on 17 March 2023;

receipt by the tenant of this notification is evidenced by Sheriff Officer service being duly certified;

I confirm that I observed the lack of access on 5 April 2023;

I arrived at the Property shortly before 10am, with the Landlord's Representative. Several rounds of 6 audible knocks on the door were made however there was no response despite there being open windows in the Property. We left the property at

10:10am
L Forrest

Leslie Forrest

Member

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

6 April 2023