

**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/22/4437**

**HOUSE AT 35 Cairnie Crescent, Arbroath, DD11 4DZ**

**TENANT Miss Leanne Livingston, Miss Laurie-Ann Horner**

**LANDLORD Mr Neil Hill, Mrs Isabelle Hill, c/o Wardhaugh Property, 38-40 East High Street, Forfar, DD8 3TQ; c/o Wardhaugh Property, 38-40 East High Street, Forfar, DD8 3TQ**

**LANDLORD REPRESENTATIVE J Myles & Co Solicitors, 7-9 South Tay Street, Dundee, DD1 1NU**

**NAME OF AUTHORISED PERSON Representative of Wardhaugh Property, Estate Agents, 38-40 East High Street, Forfar, DD8 3TQ**

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 1 December 2022

intimation on Tenant and Landlord of decision to assist the Landlord dated 11 January 2023

no representations were received from the Tenant on the application

consideration of further information in the form of a letter of 16 January 2023 from the Applicants' Agents regarding preferred dates for access

setting of a date and time by the Panel Member for the Landlord to exercise the said right, that date and time being 20 February 2023 at 10am

notification by the Chamber of that date and time to the Tenant and Landlord on 2 February 2023

I confirm that on the basis of the information received since the scheduled date, there was a lack of access on 20 February 2023

the lack of access was confirmed by a letter of 1 March 2023 from the Applicants' Agents that they had attended on the said date but could not gain access

M Scott

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

10 March 2023