



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/23/1367

HOUSE AT 60 Kenneth Street, Inverness, IV3 5PZ

TENANT - Ms Gail Turnbull

LANDLORD -The Church of Scotland General Trustees, 121 George Street, Edinburgh, EH2 4YR

LANDLORD REPRESENTATIVE -The Church of Scotland Law Department, 121 George Street, Edinburgh, EH2 4YR

NAME OF AUTHORISED PERSON- Representatives from MacLeod & MacCallum, 28 Queensgate, Inverness, IV1 1DJ (Letting Agent) and a Gas Safety Engineer from Orbis Services Ltd, Corrie Lodge Business Centre, Millburn Road, Inverness IV2 3TP.

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 7.6.23;

intimation on tenant and landlord of decision to assist the landlord dated 7.6.23;

consideration of various email representations from tenant and her representative on the application received between 21.6.23 and 13.9.23

setting of a date and time by the panel member for the landlord to exercise the said right, that date and time being 19.7.23 at 11am; This access was notified to the tenant by Sheriff Officer on 6.7.23 . The Landlord was notified by email. This access date was cancelled due to the tenant’s poor health and was rearranged for 17.8.23 at 11am. The Tenant asked that notification not be served by Sheriff Officers again and as the Chamber was in contact with the Tenant by email, it was agreed that notice would be served by recorded delivery and email. This access date was also cancelled due to

the Tenant not having support able to be with her that day. A third appointment was made for 12.9.23 at 10am. Unfortunately the Gas Safety Engineer was not able to attend until 11.30am on 12.9.23. An email was sent to the Tenant asking if the appointment could be changed to 11.30 on 12.9.23, but this did not suit the Tenant. Therefore the access visit took place at 10am on 12.9.23 with two representatives from MacLeod & MacCallum present.

receipt by the tenant of the first notification is evidenced by Sheriff Officer report on 6.7.23. Evidence that the tenant was aware of the subsequent two appointments made are in the form of numerous emails sent by the Tenant in response to notifications.

I confirm that I observed the lack of access on 12.9.23 at 10am.
E Williams

Liz Williams

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