

Housing and Property Chamber
First-tier Tribunal for Scotland



Rejection of Application: Notification of decision under Section 28A(3) of the Housing (Scotland) Act 2006 ("The Act")

Reference within this Notice to "regulations" refers to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Ref FTS/HPC/RE/20/2673

HOUSE AT 4 West Princes Street, Rothesay, Isle of Bute, PA20 9AF

TENANT Mr Andrew Black, Mr Andrew Black

LANDLORD Mr Andrew Lamb, 25 Roslin Crescent, Rothesay, Bute, PA20 9HT

As the member asked to decide on the application for access by the landlord to the property, detailed above, I am writing to advise of that decision.

The Landlord's application consists of all documents received (on/between) 29 December 2020 and 14 January 2021. I have concluded that no further information is required before a decision can be made. After considering the application, taking into account the terms of Section 28A(3) of the Act, I have decided that the application should be rejected.

The grounds for rejection are listed in Section 55(1)(a-e) of the regulations. I have decided this application should be rejected on the following ground:

- a) the member considers that the application is being made for a purpose other than a purpose specified in section 181(4) of the Act;

The reason for rejection under this ground is:-

- **Assistance to enter a house under Section 181(4) can only be provided where chapter 4 part 1 of the 2006 act applies, which is a house let for human habitation unless it is one of the listed exemptions. This property is not a house, it is a hotel, the definition of a house is also given in the 2006 act.**

The lease for the property clearing states in its heading that it is the lease for hotel premises furthermore section 5 of the lease clearly indicates that this is a commercial rather than a residential premise, as the such 2006 act does not apply.

In terms of Section 28A(8) of the Act this decision of the member is final.

E Dickson

E Dickson

Member

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

20 January 2021