

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/21/0450

HOUSE AT 43 Mason Avenue, New Cumnock, KA18 4AY

TENANT Ms Shibhon McAuliffe

LANDLORD Downsing and Culmer Ltd, Suite 5, 56-68 Stirling Street, Airdrie, ML6 0AS

LANDLORD REPRESENTATIVE McGoogans (Coatbridge) Ltd, Suite 5, 56 - 68 Stirling Street, Airdrie, ML6 0AS

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) 25 February 2021 and 26 April 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:

The reason for rejection under this ground is as outlined below:

The landlord has failed to provide adequate evidence that the tenant has been properly notified despite several requests for this information and reminders. This should have included a copy of the notification to the tenant that access is required and evidence of delivery (e.g. email/ recorded delivery receipt/ written acknowledgement of receipt from the tenant/tenant's representative).

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

M Lyden

Tribunal Member

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

21 June 2021