



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Case reference FTS/HPC/RE/20/2273

Parties

Mr Jamie McSwan, Ms Elaine McSwan (Applicant)

Mr John Murphy, Ms Charlene McGrattan (Respondent)

Mr Mike Breen (Applicant's Representative)

1/3, 241 Househillmuir Road, Glasgow, Priesthill, G53 6LP (House)

The Tribunal rejects the application by the Applicant under section 28 of the Housing (Scotland) Act 2006 requesting the Tribunal to consider offering assistance in exercising the Landlord's right of entry to the Property dated 27th October 2020.

Section 28A (1) of the Housing (Scotland) Act 2006 states that the Landlord may apply to the Tribunal for assistance in exercising his right of entry in terms of section 181(4) of the Act. Clause 23 of the Tenancy Agreement between the parties states that the Tenant must allow reasonable access to the Property where the Tenant has been given 24 hours written notice or access is urgently required.

In support of the application to the Tribunal the Applicant's Representatives provided a copy of the letter they had sent to the Tenant dated 12th October 2020 asking the Tenant to contact them to arrange a routine inspection. The letter did not give the Tenant the required 24 hours written notice that access was required but invited the Tenant to contact them to arrange access. No evidence of posting was provided.

As the Tenant has not been given 24 hours written notice that access is needed, as required in terms of the lease, and as no evidence of posting of the said letter dated 12th October 2020 has been provided to the Tribunal, the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.