

Housing and Property Chamber
First-tier Tribunal for Scotland



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/17/0436

HOUSE AT 14 Baliol Street, Kinghorn, Burntisland, Fife, KY3 9UT

TENANT Mr Lance Wilson

LANDLORD Miss Alice Walker, 3/2 61 Trefoil Avenue, Glasgow, G41 3PB

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;

intimation on tenant and landlord of decision to assist the landlord dated 27/12/2017;

consideration of representations from tenant on the application received on 27/12/2017 and 28/12/2017;

no further information was received or considered;

setting of a date and time by the panel member for the landlord to exercise the said right, that date and time being 11 am on 22/01/2018;

notification by the Chamber of that date and time to the tenant and landlord on 11/01/2018;

I confirm that I observed the refusal of access on 22/01/2018.

The landlord duly arrived at the property at the scheduled time. I walked with her to the front door. Immediately the tenant appeared at an upstairs window and started videoing us with his mobile phone. He spoke to the landlord and refused to give access to the property. I explained the situation to him. One of his contentions was, as already made in emails to the office, that he wanted us (and the landlord) to deal through his lawyer. I re-iterated that for this to be possible he had to provide a written

mandate and to let us know the name of his lawyer. The tenant's conversations with the landlord and myself were short, and it was clear that he had no intention of allowing access. Following the conversations, the landlord went very briefly to inspect the adjacent garden of the property. The tenant threatened to call the police. I do not know if he did call them, or if they attended the property. The landlord and I then left.

D Hughes Hallett

David Hughes Hallett

22/01/2018

Member

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