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/20/2321

Parties

Mrs Mary Robertson (Applicant)

Mr Colin McQuat (Respondent)

G M Thomson & Company (Applicant's Representative)

Cairnhill, Ringford, Castle Douglas, DG7 2AL (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 3rd November 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 20 of the Private Residential Tenancy between the parties states that the Tenant must allow reasonable access to the Property where the Tenant has been given 48 hours notice or access is urgently required.

In support of the application to the Tribunal the Applicant's Representatives provided copies of letters they had sent to the Tenant dated 30th September 2020 and 22nd October 2020 asking the Tenant to contact them to arrange a routine inspection. The letters did not give the Tenant the required 48 hours notice that access was required but invited the Tenant to contact them to arrange access.

As the Tenant has not been given 48 hours notice that access is needed, as required in terms of the lease, 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.

J Taylor

……………………………………..Legal Member   Date: 19th November 2020