



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/22/2318

Parties

Places for People Scotland (Applicant)

Miss Gemma Carroll, Mr Lee Booker (Respondent)

TOUCHSTONE PROPERTY MANAGEMENT (Applicant's Representative)

12 Duncombe Road, Edinburgh, EH14 3JS (House)

Tribunal Member: Jacqui Taylor (Legal Member)

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 13th July 2022. The Tribunal administration sent the Applicant an email dated 22nd August 2022 in the following terms:

'The tenancy agreement states the landlord to be Places for People. The website for Places for People states that Places for People is the trading name of Edinvar Housing Association. You confirmed in your email dated 4th August 2022 that the owners of the property are Castle Rock Edinvar Housing Association but there is a Head Lease in place confirming the mid market rent properties are not social housing and that they are occupied under the terms of either a Short Assured Tenancy or Private Residential Tenancy. Even although the head lease confirms that the mid market properties are not social housing we are unable to accept an application where the landlord is a registered social landlord due to the terms of Section 28A (9) (b) of the Housing (Scotland) Act 2006 which provides that no application for assistance in respect of a landlord's right of entry can be submitted by a registered social landlord. If you are unable to provide evidence that the landlords are not a registered social landlord we will be unable to accept the application.'

As no evidence has been produced to the Tribunal that that the landlord is not a registered social landlord 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.

.....Legal Member Date: 23rd August 2022