

**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/22/4102**

**HOUSE AT 36 Sinclair Drive Flat 3/1, Mount Florida, Glasgow, G42 9QE**

**TENANT Miss Michelle Nelson**

**LANDLORD Mrs Susan MacKinlay, Nether Lyleston, Cardross, G82 5HF**

**LANDLORD REPRESENTATIVE Ritehome Ltd, 350 Glasgow Harbour Terraces,  
Glasgow, G11 6EG**

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) 10 November 2022 and 23 December 2022. 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:

c) the member has good reason to believe that it would not be appropriate to assist either the landlord or any person the landlord intends to authorise to enter the house, or both, to gain entry to the house.

The reason for rejection under this ground is that having identified discrepancies in the Tenancy Agreement around issues of Landlord Registration, a request for further information was forwarded to the Landlord. The Landlord's explanation received on 23 December stated that she had registered the Property on the Landlord Registration system in the name of a Company with which she was associated

(Mirkwood) because "*(she) did not have a Landlord Registration and we owned the company anyway*".

She further stated that she formerly had a Landlord Registration number and quoted this-however this Registration number is still active under the name of a different company (Walker Gardner Ltd). Neither Mirkwood nor Walker Gardner are mentioned in the Tenancy Agreement.

As such it is clear that the Landlord understood that she would be required to be registered but did not take steps to apply for registration nor to execute the Tenancy Agreement in the name of the registered party. No mention has been made of any pending application for landlord Registration, nor any reasonable explanation given for this situation by the Applicant or her Representative. It would therefore be inappropriate to grant entry to the property at this stage.

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

L Forrest

Member

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

23 December 2022