

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/23/4564

HOUSE AT 1/5 Telford Drive, Edinburgh, EH4 2NQ

**TENANT Mr Michael Joshua Rooney, Mrs Lisa Adamson, Mr Jamie Ismial
Salahuddin**

**LANDLORD Mr Jorge Fernando Mejia Shimizu, 10 Wester Drylaw Park,
Edinburgh, EH4 2TR**

As the Tribunal 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) 19 December 2023 and 9 January 2024. 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:

- a) 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:

1. No evidence has been provided which would suggest a beam has been removed within the property,
2. Two of the three tenants have advised the landlord that they moved out over a year ago, the application included information on rent arrears and other people living within the property. All of these matters should be dealt with under other legal processes available to the landlord.

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

Sandra Brydon

Member

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

12 January 2024