



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/24/0409

Parties

Curb Lettings (Applicant)

Ms Denise Cairns (Respondent)

59 Loch Trool Way, Whitburn, West Lothian, EH47 0RL (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 23RD January 2024.

The Tribunal administration sent the Applicant an email dated 15th February 2024 in the following terms:

'A legal member of the Tribunal with delegated powers of the Chamber President has considered the information provided by you:

1. It is considered that there may be a fundamental issue with your application. You state that Curb is the landlord and that it is part of the Link Group. You state that the status of Link is such that it does not require to comply with landlord registration. Link is a registered social landlord.

2. In terms of Section 28A (9) (b) of the Housing (Scotland) Act 2006, a registered social landlord cannot make an application for assistance with arranging a suitable time for access. It is the status of the landlord which is important not the type of tenancy agreement.

3. Please clarify why you consider that the application should be accepted. Please address these issues and respond by 29 February 2024.'

The Tribunal administration sent the Applicant a further email dated 1st March 2024 in the following terms:

'We wrote to you on 15 February 2024 (enclosed) requesting that you provide us with further information by 29 February 2024 before we could consider your application. To date we have received no response from you. Please reply to this office with the necessary information by 8 March 2024. If we do not hear from you within this time, the tribunal member may decide to reject the application.'

As no response has been received to the said emails dated 15th February 2024 and 1st March 2024 the Tribunal has good reason to believe that it would not be appropriate to accept the application as the Landlord is a registered social landlord and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

J Taylor

Legal Member Date: 22nd March 2024.