



**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/23/4700**

**Parties**

**Ms Gillan Green (Applicant)**

**Ms Mhairi-Anne Donnelly (Respondent)**

**MacKenzie Way (Applicant's Representative)**

**49 Montgomerie Terrace, Kilwinning, KA13 7NR (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

The Tribunal administration sent the Applicant an email dated 11<sup>th</sup> January 2024 in the following terms:

*'A legal member of the Tribunal with delegated powers of the Chamber President has considered the application submitted by you and has identified some matters which require to be addressed:-*

*1. The tenancy agreement discloses an additional tenant, Roman Trachimiak. Is he to be included in the application? If so, an amended form will require to be submitted.*

*2. The tenancy agreement and the application has Gillian Green as the landlord. Landlord Registration site states that there is a pending registration and mentions Mila Homes Ltd. Please clarify the position.*

*3. The method of notification on the tenant is not satisfactory. Section 4 of the private residential tenancy agreement has not been completed properly and is silent on what form of communication is to be used. The tenants have therefore not consented to communication by email and it is considered that the default position is notification by*

*hard copy. The Tribunal would require to have evidence of delivery of the notification such as proof of signed for mail or detailed evidence of personal delivery.*

*4. The content of the notification is not sufficient. A landlord has to be specific on the date and time that access is required and its purpose. It is not enough to invite a tenant to contact the landlord or an agent. It is only where such access has not been achieved that an application can be submitted to the Tribunal. A template letter is attached which you may find useful.*

*Please respond by 01 February 2024, failing which the Chamber President may decide to reject the application.'*

Reminder emails were sent to the Applicant dated 7<sup>th</sup> February 2024 and 26<sup>th</sup> February 2024.

No response was received and the required documents were not provided.

As no response has been received to the said emails dated 11<sup>th</sup> January 2024, 7<sup>th</sup> February 2024 and 26<sup>th</sup> February 2024 the Tribunal believe that the dispute has been resolved and reject the application in terms of rule 8(10(b) of the Tribunal Rules.

J Taylor

.....Legal Member    Date: 22<sup>nd</sup> March 2024