

Housing and Property Chamber
First-tier Tribunal for Scotland



**Confirmation of lack of access following a Decision to Assist the Landlord
under Section 28A (3) of the Housing (Scotland) Act 2006 (“The Act”)**

Ref FTS/HPC/RE/18/3484

HOUSE AT: 46 Fort Street,
Ayr, KA7 1DE

TENANT: Mr Douglas Swan

LANDLORD: Mrs Sally Ward,
c/o The McKinstry Company,
39 Sandgate,
Ayr, KA7 1BE

**LANDLORD’S
REPRESENTATIVE:** The McKinstry Company,
39 Sandgate,
Ayr, KA7 1BE

**PERSONS THE LANDLORD
HAS AUTHORISED TO
ENTER THE HOUSE:** Personnel employed, or engaged by,
D R Fraser
Joiners and General Building Contractors
16 Airthrey Avenue,
Glasgow, G14 9JR

As the Member deciding on the above application for entry by the landlord, I confirm that attempts have been made to assist the landlord in exercising her right of entry to the house under section 181(4) of the Act.

The attempts involved the following:

- Notification of the application made under section 28 A(1) on the tenant dated 21 December 2018;
- Intimation on tenant and landlord of decision to assist the landlord dated 04 February 2019;
- Representations were received from tenant, dated 11 February 2019, intimating a date for access as Friday 22 February – access was not achieved on that date;

- Consideration of further information in the form of exchanges of e-mails regarding further dates that would be suitable but were subsequently not achieved;
- Setting of a date and time by the panel member for the landlord to exercise the said right, that date and time being 10am on Tuesday 07 May 2019;
- Notification by the Chamber of that date and time to the tenant by a letter dated 18 April 2019:
- Service on the tenant of the notification letter was by first class letter post and hand service by a Sheriff Officer on Tuesday 23 April 2019 as evidenced by a Certificate of Intimation signed by the Sheriff Officer on Tuesday 23 April 2019.

I confirm that I observed the lack of access on Tuesday 07 May 2019.

Colin M. Campbell

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

07 May 2019