



**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/22/1392

**Parties**

**Places For People Scotland (Applicant)**

**Mr Jamie McCorran (Respondent)**

**Touchstone Property Management (Applicant's Representative)**

**Flat 3, 5 Fisher Place, Edinburgh, EH17 8UY (House)**

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 10<sup>th</sup> May 2022. The Tribunal administration sent the Applicant an email dated 20<sup>th</sup> May 2022 which requested further information to enable the application to be processed. The email was in the following terms:

'The tenancy agreement shows the landlord to be Castle Rock Edinvar. Castle Rock Edinvar Housing Association is a registered social landlord. Section 28A (9) (b) of the Housing (Scotland) Act 2006 states that no application can be made by a registered social landlord. Please clarify why you consider that this application should be considered.'

In response the Applicant sent the Tribunal Administration an email dated 24<sup>th</sup> May 2022 which stated:

'Fundamentally, the Owner is Places for People Scotland – CRE Owned Castle Rock Edinvar is Castle Rock Edinvar Housing Association Limited Places for People Scotland Limited is currently the trading name for Castle Rock Edinvar Housing Association Limited. The property at Flat 3, 5 Fisher Place is not social housing it is mid market rent, the tenancy is a Private Residential Tenancy.'

Section 28A (9) (b) of the Housing (Scotland) Act 2006 states that no application can be made by a registered social landlord. The lease states that the Landlord of the Property is Castle Rock Edinvar Housing Association, which is a registered social

landlord. Consequently the Tribunal and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

J Taylor

.....Legal Member Date: 10<sup>th</sup> June 2022