



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/0268**

**Re: Property at 2 Newton Street, Blairgowrie, PH10 6DJ (“the Property”)**

**Parties:**

**Mrs Joyce Coupar, Blair's Laundry, Emma Street, Blairgowrie (“the Applicant”)**

**Ms Laura Brown (Laughton), UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans**

**Shirley Evans (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application be dismissed.**

**Background**

1. This is an action for recovery of rent arrears raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. On 19 January 2024 the Tribunal requested the Applicant forward a copy of the tenancy agreement.
3. On 19 January 2024 the Applicant advised the lease and laptop this was created on were destroyed by a fire on the 29 October 2022.
4. On 26 February 2024, the Tribunal accepted the application under Rule 9 of the Regulations.

5. On 29 February 2024 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 21 March 2024. The Tribunal advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 26 March 2024. This paperwork was served on the Respondent Roderick Stevenson, Sheriff Officer, Kirkcaldy on 1 March 2024 and the Execution of Service was received by the Tribunal administration.
6. On 5 March 2024 the Tribunal issued a Notice of Direction requesting an up to date rent statement.
7. On 13 March 2024 the Applicant sent an Excel spreadsheet showing the rent position. This spreadsheet stated next to the date of 20 January 2024 that -  
  
***“believe this to be correct date of tenancy end, door was forced open and keys left on stairs not put through letter box  
we had to change the lock on the 16th January after noticing all windows were left open for 3 days and unable to contact tenant”***
8. On 15 March 2024 the Tribunal emailed the Applicant to advise they were not satisfied the application had been validly served on the Respondent in light of that information which indicated the tenancy had ended and advised the CMD assigned for 26 March 2024 had been discharged. The Tribunal sought confirmation as to whether the Applicant wished to proceed with the action and of so requested an up to date address failing which requested whether the Applicant was seeking service by advertisement.
9. On 5 April 2024 the Applicant confirmed she wished to proceed and that she was attempting to trace the Respondent who it was believed still lived locally.
10. On 11 April 2024 the Tribunal requested that the Applicant revert to them by 26 April 2024.
11. On 1 May 2024 the Tribunal requested confirmation as to whether the Applicant wished to proceed with the action. No response has been received from the Applicant.

## **Decision**

12. The Tribunal accordingly dismisses the action in terms of Rule 27 of the Regulations as the Applicant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings.

## **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the**

party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

# S.Evans

12 July 2024

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Legal Member

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Date