

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/25/0539

Re: Property at 31 New Road, Galston, KA4 8EW (“the Property”)

Parties:

AK PLAN Co. Ltd., c/o Property Accounts Limited, 59 Castle Street, Reading, RG1 7SN (“the Applicant”)

Miss Aileen McGinley, The Hoose, Mauchline, KA5 5TR (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the application for want of insistence

Background

1. By application accepted on 16 April 2025 the applicant sought an order for payment in respect of rent arrears and the cost of repairing damage to the property after the respondent moved out.
2. A case management discussion was scheduled for 30 September 2025 via teleconference.
3. The Tribunal instructed Sheriff Officers to serve papers on the respondent at the address provided by the applicant. Sheriff Officers were unable to affect service of the papers and advised that a data base check had not disclosed any alternative address for the respondent. The Tribunal administration wrote to the applicant on 25 August 2025 requesting that they provide an alternative

address or confirm whether they wished to proceed with service by way of advertisement. No response was received.

4. The applicant did not attend the teleconference and was not represented. The respondent had not been served with papers and did not therefore attend.
5. The applicant had been notified of the teleconference and provided with details of how to participate by letter dated 19 August 2025. The Tribunal was satisfied that the applicant had been given reasonable notice of the case management discussion in terms of rule 17.2. The Tribunal determined that the application should be dismissed for want of insistence.

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.

Mary-Claire Kelly

Legal Member/Chair

30 September 2025
Date