



**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/24/4009

Re: Property at 19 Balfour Crescent, Larbert, FK5 4BB (“the Property”)

Parties:

Elephant Stone Properties Ltd, 4 Crawford Gait, Kirkliston, EH29 9LB (“the Applicant”)

Miss Donna Cowie, Mr Raymond Stein, 9 Bryce Avenue, Carron, Falkirk, FK2 8JA (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (In Absence of All Parties)

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

Background

1. On 28th August 2024 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears and other charges.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy with a commencement date of 2nd March 2023 and showing a rent of £650 per month
 - b. Rent Statement showing arrears of £2277.70 as at the end of the tenancy on 11th December 2023
 - c. Statement showing the administration charges which the Applicant was seeking to recover.

3. The Application was served on the First Named Respondent, and purportedly on the Second Named Respondent by Sheriff Officer on 8th April 2025.
4. On 15th April 2025 the First Named Respondent lodged a Time To Pay application offering £40 per month. In her application she stated that she had separated from the Second Named Respondent before the tenancy had ended and that she did not know his current whereabouts.
5. On 6th May 2025 the Applicant's agent sent an email to the Tribunal, declining the Time To Pay proposal as they were seeking an order against both Respondents.

Case Management Discussion

6. The Case Management Discussion ("CMD") took place on 13th June 2025 by teleconference. Noether party dialled in and no representatives dialled in to represent them.
7. Given that the First Named Respondent had said in her Time To Pay application that she had separated from the Second Named Respondent and did not know where he lived the Chairperson was not satisfied that the Second Named Respondent had received service of the application. She therefore decided to continue the CMD for the Applicant to trace the Second Named Respondent, or to make an application for Service by Advertisement if the trace report could not find an address for him.

Subsequent to Case Management Discussion

8. The CMD Note and the new date was issued to the Applicant and the Respondents. The letter addressed to the Second Named Respondent were returned to the Tribunal by Royal Mail as undelivered.
9. The Applicant did not provide an up to date address for the Second Named Respondent or make an application for Service by Advertisement.

Continued Case Management Discussion

10. The Case Management Discussion ("CMD") took place on 17th October 2025 by teleconference. Nobody dialled in at all. The Chairperson decided to dismiss the application for want of insistence.

Reasons for Decision

11.No one appeared at the Continued CMD to move the Application.

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.

Alison Kelly

17/10/2025

Legal Member/Chair

Date