



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

**Chamber Ref: FTS/HPC/CV/0205**

**Property: 25, Straiton Road, Kirkmichael, Maybole KA19 7PH (“the property”)**

**Parties:**

**Ms Maxine Michelle Shankland, 67 Church Drive, Mossblown, Ayr KA6 5AX (“the applicant”)**

**Mr Darren Steven Cooper, formerly residing at the property whose whereabouts are currently unknown to the tribunal and Miss Amy Falconer, residing at the property (“the respondents”)**

**Tribunal Member:**

**David Preston (Legal Member) and Mr Gerard Darroch (Ordinary Member) (“the tribunal”)**

**Decision (in absence of the respondents)**

**The tribunal determined that an order for payment by the respondents to the applicant of the sum of NINETEEN THOUSAND FIVE HUNDRED AND FIFTY POUNDS (£19,550) should be made.**

**Background:**

1. By application dated 27 January 2021 the applicant applied for an order for payment in respect of arrears of rent amounting to £12,069.51. The application was raised against the second named respondent only and at a Case Management Discussion (CMD) on 4 April 2021 the application was continued to a further CMD to allow the applicant to amend the application and include the first named respondent. By amended application dated 13 May 2021 the applicant sought arrears of rent against both respondents in the sum of £18,400. On 18 June 2021 the applicant’s solicitor sought to amend the figure for arrears of rent to the sum of £19,550. Letters dated 18 June 2021 were sent to the first named respondent by email in the absence of a current address for him and to the second named respondent by first class, recorded delivery and email.
2. The papers before the tribunal comprised: Tenancy Agreement dated 12 September 2012; rent statement to 20 July 2021 showing arrears of rent to that

date of £20,700; Certificate of Service by Sheriff Officer in respect of the second named respondent dated 3 March 2021; Certificate of Service by Advertisement in respect of the first named respondent dated 20 July 2021.

### **Case Management Discussion**

3. On 20 July 2021 the adjourned CMD was convened by telephone in accordance with the provisions for dealing with business during the COVID-19 pandemic. Present by telephone was Ms Nicola Caldwell, Accredited Paralegal on behalf of the applicant. There was no attendance by or on behalf of the respondents.
4. The tribunal was satisfied that Notice of the CMD together with amendments of the sum sought had been duly served on the respondents as detailed above.

### **Findings in Fact**

5. The parties entered into a Private Residential Tenancy Agreement that commenced 12 September 2012 at a rent of £1150 per month.
6. The respondents last paid rent on 13 January 2020.
7. The respondent accrued rent arrears as of 18 June 2021 amounting to £19,550. Although further arrears to 20 July 2021 had accrued in the sum of £20,700, and in the absence of the respondents, Ms Caldwell confirmed that her client did not seek an order for the arrears beyond 12 June 2021 as the further amendment had not been served on the respondents.

### **Reasons for Decision:**

8. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
9. The tribunal accepted the information in the file and as provided by Ms Caldwell and determined to issue the order for payment in the sum of £19,550.

### **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.**