



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/21/2507**

**Re: Property at First and Second Floor Flat, 57 Evan Street, Stonehaven,  
Aberdeenshire, AB39 2HR (“the Property”)**

**Parties:**

**Funeral Services Limited, 1 Angel Square, Manchester, M60 0AG (“the  
Applicant”)**

**Mr Robert Gunn, First and Second Floor Flat, 57 Evan Street, Stonehaven,  
Aberdeenshire, AB39 2HR (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member) and Eileen Shand (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Respondent is liable to make payment to the  
Applicant in the sum of £9,600 together with interest thereon at the rate of 4.25%  
from 23 December 2021 until payment**

**STATEMENT OF REASONS**

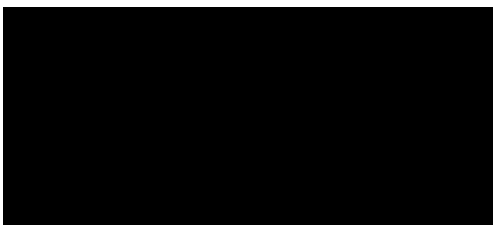
1. This Application called for its Case Management Discussion by teleconference on 23 December 2021, together with the related case EV/21/2506. The Applicant was represented by Mr MacPherson, solicitor. The Respondent was neither present nor represented on the call.
2. In this Application, the Applicant seeks payment of £9,600 together with interest thereon at the rate of 4% above the base rate for the time being charged by the Royal Bank of Scotland plc on unsecured overdrafts from the date of decision by the Tribunal until payment. It says that the tenancy between the parties commenced in 2003 and is an Assured Tenancy. The

monthly contractual rent was £400. At the date of raising this Application, the Applicant says that the rent arrears were £9,600. The Applicant has produced with the Application a rent account schedule supporting that calculation. The Applicant says that those arrears remain unpaid and have, in fact, increased. The Applicant also points to clause 4 of the tenancy agreement, which provides that interest shall run on unpaid rent at the rate of 4% per annum above the base rate for the time being charged by the Royal Bank of Scotland plc on unsecured overdrafts.

3. In terms of Rule 17(4) the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a CMD that it may do at a Hearing, including make a decision. In terms of Rule 2, the Tribunal is required when making a decision to have regard to the overriding objective to deal with proceedings justly, including by avoiding unnecessary delay.
4. The Respondent was served with a copy of the Application. He has been afforded an opportunity to dispute the allegations made against him by the Applicant. He has chosen not to do so. In the circumstances, the Tribunal has determined that the allegations made by the Applicant in the Application are not in dispute.
5. Accordingly, the Tribunal is satisfied that the Respondent has failed to make payment of rent in the sum of £9,600 up to the date of raising of this Application, and that the Applicant is entitled to an order for payment thereof together with interest thereon at the contractual rate of 4.25% from the date of the Tribunal's decision until payment. The Tribunal will make that order.

### **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.**



**Legal Member/Chair**

**23/12/21**

**Date**