



**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/26/1368**

**Re: Property at 1/R, 23 Baxter Park Terrace, Dundee, DD4 6NR (“the Property”)**

**Parties:**

**Hillcrest Enterprises Limited, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)**

**Ms Karen Todd, 1/R, 23 Baxter Park Terrace, Dundee, DD4 6NR (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Ahsan Khan (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment is granted to the amount of £3349.08 (THREE THOUSAND THREE HUNDRED AND FORTY NINE POUNDS AND EIGHT PENCE).**

**Background**

1. An application was received by the Housing and Property Chamber dated 25<sup>th</sup> March 2026. The application was submitted under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”). The application was based on there being rent arrears outstanding.
2. On 8<sup>th</sup> August 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 17<sup>th</sup> September 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 29<sup>th</sup> August 2026.

3. On 3<sup>rd</sup> September 2026, the Applicant's solicitor emailed the Housing and Property Chamber requesting that the amount sought be increased to £3349.08 in terms of Rule 14A of the Regulations. A rent account for the period 1<sup>st</sup> April 2026 – 1<sup>st</sup> September 2026 was attached.
4. On 11<sup>th</sup> August 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 11<sup>th</sup> August 2026.
5. The case was conjoined with case FTS/HPC/EV/26/1367.

#### The Case Management Discussion

6. A CMD was held on 17<sup>th</sup> September 2026 at 10am by teleconferencing. The Applicant was not present but was represented by Ms Kirstie Donnolly, Solicitor, TC Young. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any submissions in advance of the CMD.
7. The Tribunal explained the purpose of the CMD and the powers available to the Tribunal to determine matters.
8. Ms Donnolly confirmed that the Applicant was still motioning for an order for payment to be made with interest at 8% per annum.
9. Ms Donnolly said that the current arrears were £3349.08. There have been no further payments made since the updated rent account was lodged.
10. The last contact was in January 2026. The Respondent had spoken to the Applicant stating that she was to move in with her sister as she was having health issues. The Applicant has attempted to make contact with the Respondent several times. Home visits have been made, telephone calls, text messages and letters sent. She has failed to respond to any of them. The Applicant's housing officer has looked through the Respondent's letterbox and has seen that the furniture has not been moved. The Applicant believes that the Respondent has left the Property. However, as this has not been confirmed the Applicant still requires an order for eviction in the conjoined case. She noted that the Sheriff Officers used for service of this application had not noted that the Respondent was no longer living in the Property.
11. The Tribunal noted that the arrears appear to be from a shortfall in the Respondent's Housing Benefit payment. Ms Donnolly was not able to confirm what the Local Housing Allowance was for this property. She said that there had been a referral made to the Applicant's Tenancy Sustainment Service. However, she did not know when this had happened. The rent account dates back to when the Applicant took over the Property on 1<sup>st</sup> April 2021. Ms Donnolly said that it is not known if there were arrears prior to this point.

12. Ms Donnolly said that the Respondent is 67 years old. She is a sole tenant. Other than the health issue stated to the Applicant in January 2026, she has no known vulnerabilities or disabilities.
13. The Tribunal accepted the Applicant's position that £3349.08 was owed by the Respondent. The Tribunal refused the motion to add interest at 8% per annum. This is not a contractual amount. The Tribunal did not consider that it was required.

#### Findings and reason for decision

14. The Applicant is the registered owner of the Property.
15. The parties entered into a tenancy agreement from 15<sup>th</sup> February 2009 until 27<sup>th</sup> February 2011. It was continued by tacit relocation thereafter. The current rent increased to £539.15 on 1<sup>st</sup> August 2026. The rent payments are due on the first day of each month.
16. There is a payment every four weeks for £368.20 from Housing Benefit. This is equivalent to £398.88 per month. This currently leaves a shortfall of £140.27 per month. This shortfall has not been addressed by the Respondent. Arrears have accrued as a result.
17. The Tribunal accepted the evidence presented on behalf of the Applicant with regard to the rent arrears. A rent statement was produced which set out the history of the arrears.
18. The Respondent has not been in communication with the Applicant since January 2026.
19. The arrears are £3349.08.
20. Appropriate accounting had been provided in respect of the outstanding rent with the application to the Tribunal.
21. The Respondent has lodged no written representations with the Tribunal despite being offered the opportunity to do so. She did not attend the CMD to provide any information to the Tribunal to dispute the information provided by the Applicant nor to set out any reason why the Tribunal should not grant the Order.
22. The Tribunal decided to exercise the power within Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

#### Decision

23. The Applicant is entitled to an order for payment of £3349.08 by the Respondent. The Order was granted against the Respondent.

## 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.

# G. Miller

17<sup>th</sup> September 2026

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Legal Member/Chair

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Date