

Housing and Property Chamber
First-tier Tribunal for Scotland



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 (“the Act”)

Chamber Ref: FTS/HPC/CV/25/3232

Re: Property at 51 Broomhill Wynd, Monifieth, Dundee, DD5 4RE (“the Property”)

Parties:

Hillcrest Enterprises Ltd, 1 Explorer Road, Dundee Technology Park, Dundee, DD2 1EG (“the Applicant”)

Miss Sandie Spalding, 51 Broomhill Wynd, Monifieth, Dundee, DD5 4RE (“the Respondent”)

Tribunal Members:

Steven Quither (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) UNANIMOUSLY determined that the Respondent is to pay to the Applicant the sum of FIVE THOUSAND NINE HUNDRED AND EIGHT POUNDS 49 PENCE (£5908-49) STERLING.

BACKGROUND

1. This is an application dated and lodged on 29 July 2025 for payment of rent and interest arising out of a Private Residential Tenancy (“PRT”) between Hillcrest Enterprises (sic) and the Respondent in respect of the Property commencing 15 June 2020 and at an initial rent of £543-46 per month, subsequently increased to £601-82 per month from 1 August 2024 and then £631-31 per month from 1 August 2025.
2. By Lease of 24 January 2021, commencing 1 April 2021, Hillcrest Homes (Scotland) Ltd leased to the Applicant various properties, including the Property. It is not clear from the casefile whether Hillcrest Homes (Scotland) Ltd acquired the Property from Hillcrest Enterprises between the date of the PRT and the date of said Lease or whether the PRT erroneously referred to

Hillcrest Homes (Scotland) Ltd as Hillcrest Enterprises. In any event, the Applicant is properly designed in said Lease, as hereinafter referred to.

3. The Tribunal duly accepted the application by Notice of Acceptance of 12 August 2025 and a Case Management Discussion (“CMD”) was duly fixed for 20 January 2026.
4. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that when this application was lodged, outstanding rent arrears were £4014-56 and that letterbox service of the application and associated documentation was made on the Respondent by sheriff officers on 26 November 2025.
5. An associated eviction application under Tribunal reference EV/25/3231 was also considered at the CMD.

CASE MANAGEMENT DISCUSSION on 20 JANUARY 2026

6. The CMD took place by teleconference and duly commenced shortly after 10am, with the Applicant’s representative, Simone Callaghan from TC Young, Solicitors, Glasgow and the Respondent in attendance.
7. By way of submission and in response to questions by the Tribunal Ms Callaghan advised and confirmed:--
 - a) The Applicant is properly designed in the Lease as Hillcrest Enterprises Ltd and Ms Callaghan sought to amend the application accordingly. After confirming with the Respondent that she had no objection to this, the Tribunal was content to allow an amendment to the Applicant’s details in the application under Rule 13 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), failing which under Rule 2(1)(a) of said Rules, in terms of the Tribunal’s overriding objective to seek informality and flexibility;
 - b) The Applicant was seeking the order for payment as well as the eviction order based on rent arrears. These now stood at £5908-49 to which sum she was seeking to amend any reference to rent arrears (which, after clarifying with the Respondent that she had no objection to it doing so, the Tribunal was content to allow under said Rule 13 of the Rules);
 - c) Notice to Leave was served on 7 February 2025 when rent arrears stood at £3009-10, based on Ground 12 of Schedule 3 of the Act (rent arrears for 3 or

more consecutive months), but these had increased to £4014-56 as at the date of the application and now stood at £5908-49 ;

- d) The initial rent per the PRT was £543-46 per month but this had subsequently been increased and was now £631-31 per month;
- e) Per rent statement to 23 July 2025 lodged with the application, the Respondent had been in rent arrears since October 2024 and, in addition, had paid nothing at all in November 2025, also failing to adhere to arrangements made to address same, most recently in September 2025 to pay an additional £355 to arrears as well as paying rent, which broke down almost immediately when the first direct debit payment was not met;
- f) Thereafter, the Respondent advised in October 2025 she would pay £3000 but again failed to do so;
- g) £1893-93 was paid in December 2025, which was the first rent paid since the middle of the year, but then an arrangement to pay rent + £200 towards arrears in January 2026 failed;
- h) The Applicant is a subsidiary of Hillcrest Homes who are social landlords. The subsidiary provides around 1200 mid-market rented properties and depends on rent being paid to maintain services etc;
- i) The Respondent's rent arrears forms just over 3½% of the Applicant's total rent arrears outstanding and is the second highest rent arrears amount outstanding by any tenant;
- j) The Applicant was seeking payment of interest at 8% from the date of any Tribunal decision in its favour in terms of Rule 41A(2)(b) of the Rules and accepted this was entirely in the Tribunal's discretion; and
- k) In all of these circumstances, it was reasonable to make orders in the Applicant's favour in both this and the associated eviction case.

8. By way of response, the Respondent advised and confirmed--

- a) She did not dispute the rent arrears sum of £5908-49 now stated to be due and could not dispute any of what was stated on behalf of the Applicant;
- b) She had had some personal and work related issues over several years which had led her to being off work for 8 months and being prescribed (anti-depressant) Sertraline;.

- c) In addition, she had been in a controlling relationship, which had imposed a financial burden on her but had now ended at her instigation. This had added to her difficulties since she had become isolated from friends and family and had failed to face up to her responsibilities;
- d) She is 47 years old and has grandchildren aged 1 & 6 whom she sees regularly and who occasionally stay overnight with her;
- e) She is in full-time employment as a social care officer with Dundee City Council and has now re-established contact with friends and family who are supportive of her;
- f) She can pay the monthly rent of £631-31 and also £200 per month towards arrears;
- g) The most recent arrangement failed due to her account being £2 short to cover the direct debit;
- h) She has been dealing with a Resource Officer from the Applicant, who has helped her with various financial matters;
- i) She does not receive benefits, her council tax is paid direct from her wages and apart from normal household expenses, her only other debt is a credit card, to which she pays about £50 per month;
- j) She appreciated the difficulty she is in due to previous arrangements not being adhered to but she now seeks and wishes to face up to her responsibilities without losing her home;
- k) She has not been in contact with anyone about the possibility of being made homeless; and
- l) Prior to the circumstances giving rise to this and the associated application, she had been an tenant with the Applicant for a good number of years without any previous difficulty, she was now seeking a further opportunity to face up to her responsibilities.

9. Following upon hearing from the Respondent, the Tribunal asked Ms Callaghan to seek further instructions from the Applicant regarding the Respondent's proposal. After a short adjournment to enable her to do so, she confirmed that the Applicant was still seeking orders in both applications, due to the overall history of non-payment and concerns that any further arrangement would

similarly break down, especially against a background of the Applicant having previously provided assistance to the Respondent through payment of a grant.

FINDINGS IN FACT

10. The Respondent is liable for arrears of rent up to 20 January 2026 of £5908-49 arising out of a PRT for the Property between the parties, commencing 15 June 2020.

REASONS FOR DECISION

11. The Tribunal was satisfied that arrears of £5908-49 had accrued per the Rent Statement and other information provided on behalf of the Applicant. In any event, same was not challenged by the Respondent.
12. Accordingly, it considers it just to make an order for payment of £5908-49.
13. Given all of the circumstances, the Tribunal did not consider it just to make any order for interest to run on said sum and accordingly refuses to do so.

DECISION

14. To grant the order for payment sought by the Applicant against the Respondent in the sum of £5908-49.

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.

Steven Quither

20 JANUARY 2026

Legal Member/Chair

Date