



**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/25/5150**

**Re: Property at 53 Flat D Union Street, Montrose, DD10 8PZ (“the Property”)**

**Parties:**

**Mrs Helen Salmon, Mr Peter Salmon, Mains of Logie Farmhouse, Mains of Logie, Montrose, DD10 9JR (“the Applicant”)**

**Ms Melea Lewis, 53 Flat D Union Street, Montrose, DD10 8PZ (“the Respondent”)**

**Tribunal Members:**

**Hilary MacAndrew (Legal Member) and Mary Lyden (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application be decided without a hearing and issued an order for payment should be granted in the sum of £7,945.**

**1) Background**

- 1.1 This is an Rule 111 application whereby the Applicant was seeking an order for payment in the sum of £7,050 which had increased to £10,340 at the Tribunal date together with interest at the rate of 8% per annum. The Application was conjoined with an application seeking an order for eviction under reference FTTS/HPC/EV/25/5147
- 1.2 The application to the Tribunal was made by Form F on 27 November 2025 and was accepted for determination by the Tribunal on 16 December 2025.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 8 May 2026.

## 2) The Case Management Discussion

- 2.1 The CMD took place by tele conference on 8 June 2026 at 10am. The Tribunal delayed the start by 5 minutes in case the Respondent was late. The Applicant was represented by Ms Allan of Harper Macleod LLP. The Respondent did not take part. The Respondent did not attend.
- 2.2 Ms Allan confirmed that the property is 53 Flat D Union Street, Montrose, DD10 8PZ
- 2.3 Ms Allan confirmed that the parties entered into a Private Residential Tenancy Agreement which commenced on 19 March 2018 at a monthly rent of £470.
- 2.4 At the time of submitting the Notice to Leave the arrears were £6,110. The amount of arrears outstanding at the date of the application was £7,050. The amount of arrears outstanding at the date of the Tribunal was £10,340.
- 2.5 Ms Allan provided a current rent statement showing an increase in the amount of arrears to £10,340. The Tribunal noted that no rent had been paid by the Respondent since 19 August 2024.
- 2.6 Ms Allan was able to talk about the personal circumstances of the Applicant and the Respondent. The Respondent is single. There are no known dependents. The Respondent had a good relationship with the Applicant who was aware that the Respondent had indicated difficulties with benefits but nonetheless was prepared to work with her. There had been communication between the Respondent and the Applicant in relation to a central heating boiler which had been resolved however the Respondent would not communicate with the Applicant regarding the outstanding rent. Ms Allan's firm contacted the Respondent directly on 10 June 2025 but received no response. A copy of that correspondence is produced as part of the pre-action requirement correspondence. The Applicant had attempted to visit the property whilst the issue of rent arrears was ongoing but the Respondent had indicated through the Applicant and Respondent's usual means of communication which was WhatsApp that she did not wish the Applicant to visit. The Applicant has no other rental properties. This is the only rental property leased by him. The Applicant has a mortgage over the property and the absence of rent is having an impact on the Applicant's financial position. The Applicant allowed the rent arrears to continue for a considerable time on the basis that the Applicant and Respondent had formerly enjoyed a good relationship.
- 2.7 Ms Allan was not aware of the Respondent having any disability issues which would prevent communication.

2.8. Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMB which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

### **3) Findings in Fact and Law**

3.1 The Applicant and the Respondent entered into a Private Residential Tenancy Agreement in respect of the property which commenced on 19 March 2018.

3.2 The monthly rent due under the Private Residential Tenancy is £470 per month.

3.3 The rent arrears due as at the date of the Notice to Leave were £6,110.

3.4 The rent arrears due at the date of raising the proceedings were £7,050.

3.5 The rent arrears due at the date of the hearing CMD is £10,340.

3.6 The Respondent has been in arrears of rent since 19 August 2024.

3.7 The Applicant is entitled to recover rent lawfully due.

3.8 The application of interest is not reflected in the Private Residential Tenancy Agreement.

### **4) Reason for Decision**

4.1 Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.

### **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.**

Hilary MacAndrew

Hilary McAndrew

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Legal Member/Chair

8<sup>th</sup> June 2026

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Date