



**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/23/0629

**Re: Property at 32 Highthorne Crescent, West Kilbride, Ayrshire, KA23 9DW
("the Property")**

Parties:

**Mrs Linda Hill, 1 Heritage Park, West Kilbride, Ayrshire, KA23 9GD ("the
Applicant ")**

**Mr Christopher Callaghan, 22 Putyan Avenue, Dalry, Ayrshire, KA24 4AL ("the
Respondent")**

Tribunal Member:

Lesley-Anne Mulholland (Legal Member)

Summary of Discussion

1. An application was made for a Payment Order under Section 16 of the Housing (Scotland) Act 2014.
2. The Applicant is the owner and Landlady of the property. The Respondent was the tenant.
3. A Case Management Discussion was held remotely by telephone on 9 June 2023 and 13 November 2023. The Applicant joined by telephone. The Respondent did not.
4. The Applicant had stated at a Case Management Discussion held on 9 June 2023 that the Respondent was no longer at the address. Accordingly, an application for Service by Advertisement was allowed and effected. I am satisfied that the Respondent has been properly notified of this application and been given an opportunity to respond. The Respondent has not made contact with the Tribunal. Accordingly, I decided to proceed in his absence, as it was fair and just to do so.

5. I have been provided with details of the landlord registration number which demonstrates that the Applicant is a registered landlord.
6. The Applicant at the Case Management Discussion requested a Payment Order in the sum of £1446.76 as follows:-

a. Decoration	820.00
b. Carpets	750.00 (£1,200 less wear and tear).
c. Rent arrears	476.00
d. Garden	<u>100.00</u>
	2,146.00
e. Less payments to account	<u>700.00</u>
f. <u>Total claim</u>	<u>£1,446.76</u>

7. The Applicant was unable to provide the invoice for the cost of carpets at the beginning of the tenancy. The replacement cost was £1,200. The tenant occupied the property from 2 July 2020 until April 2022.
8. I have looked at the property reports before and after the tenancy. It is unclear from the reports whether the Applicant or the tenant lifted the carpets. The Applicant claims that the tenant had a cat and that the carpets needed to be replaced. I cannot see any report on the state of the carpets before they were lifted. Nevertheless, having considered the information provided by the Applicant, I am prepared to accept that the carpets required to be replaced and accept that £750 is reasonable after taking into account fair wear and tear.
9. The Respondent required to keep the property in good, clean tenantable order and repair in terms of the tenancy agreement between the parties.
10. The Respondent breached this clause of the tenancy agreement and deep cleaning, carpet replacement, repainting and repair was required after the Respondent vacated the property.
11. The Respondent was contractually obliged to look after the property, to keep it clean and tidy. The Respondent had damaged walls and carpets at the property and left it in an unreasonable condition.
12. Having considered all the information before me, including the invoices and everything that the Applicant had to say, I am satisfied that the Respondent has to pay the Applicant the sum of £1,446.76.

Decision

A Payment Order in the sum of £1446.76 is payable by the Respondent to the Applicant .

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.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

_____ 13 June 2023
Legal Member/Chair