



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

Chamber Ref: FTS/HPC/PY/20/0107

Parties:

David Newton and Mrs Angela Newton residing together at 6 McAllister Avenue, Airdrie, ML6 7DF ("the Debtor")

Mrs Lorraine Dalziel, 62 Glenhove Road, Cumbernauld, Glasgow, G67 2JZ ("the Creditor")

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Debtor dated 14<sup>th</sup> January 2020 being an application for a Time to Pay Order under the Debtors (Scotland) Act 1987.

The Tribunal sent the Debtor letters dated 22<sup>nd</sup> January 2020, 30<sup>th</sup> January 2020, 7<sup>th</sup> February 2020 and 27<sup>th</sup> February 2020 which requested further information to enable the application to be processed, including evidence that the Time to Pay Order Application had been served on the Creditor.

The Tribunal referred the Debtor to the requirements of Tribunal Rule 41H(1) which states that a party who intends to apply for a Time to Pay Order under section 5 of the Debtors (Scotland) Act 1987 must serve a copy of the application on the creditor.

The Tribunal received an email from the Debtor dated 11<sup>th</sup> March 2020 which states *inter alia* 'I point out that under data protection laws it is against my rights to issue my personnel financial information to a none financial institution and again I point out that I have provided the Tribunal with all of this information but reject this being sent onto another party.'

Therefore as no evidence has been provided that the Debtor served a copy of the Time to Pay Order Application on the Creditor the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

**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**

**J Taylor**

...Legal Member Date: 18<sup>th</sup> March 2020