

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 5 Debtors (Scotland) Act 1987 (“the 1987 Act”)**

**Chamber Ref: FTS/HPC/PY/21/2772**

**Parties:**

**Basil Nyabadza, 8 Baberton Mains Bank, Edinburgh, EH14 3ED (“the Applicant”)**

**Mr Stuart Sinclair, 3 Baberton Court, 478 Lanark Road, Edinburgh, EH14 5BL (“the Respondent”)**

**Tribunal Member:**

**Josephine Bonnar, Legal Member**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a time to pay order should be made stipulating that payment is to be made by instalments of £250 per month.**

**Background**

1. On 15 September 2021, the Tribunal granted an order for payment against the Applicant in favour of the Respondent for the sum of £4651.44.
2. On 10 November 2021, the Applicant submitted an application for a time to pay order in terms of Section 5 of the 1987 Act and Rule 41H of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”). The Applicant stated that a charge for payment had been served and offered to make payment at the rate of £250 per month.
3. On 23 November 2021, the Tribunal granted an order sisting further diligence until the application had been determined. A copy of the application was served on the Respondent.
4. On 7 December 2021, the Respondent notified the Tribunal that he did not object to the application for time to pay.

## **Reasons for decision**

5. In terms of Section 5(1)(a) of the 1987 Act the Tribunal may make a time to pay order where a charge for payment has been served on the debtor. In terms of Section 7(1) of the 1987 Act and Rule 41H(4) of the Procedure Rules the Tribunal must make a time to pay order in accordance with the application if the creditor does not object to the application. The Legal Member is therefore satisfied that the Tribunal must grant the application and make a time to pay order in the terms requested by the debtor.

## **Decision**

6. The Legal Member determines that a time to pay order must be granted.

## **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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

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Josephine Bonnar, Legal Member

15 December 2021