



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules') in relation to an application for a Time to Pay Order under section 5 of the Debtors (Scotland) Act 1987

Reference number: **FTS/HPC/PY/20/1277**

Parties:

Ms Veronica Garcia Torres, Calle Attana, Petre Alicante, Spain ("the Creditor")

Mrs Karen Winning, 11 West Savile Gardens, Edinburgh EH9 3AB ("the Debtor")

Tribunal Member: Jacqui Taylor

1. Background.

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Debtor for payment of the Sum of ONE THOUSAND AND FIVE HUNDRED POUNDS (£1500) Sterling to the Creditor under application reference FTS/HPC/PR/19/3531 dated 5th March 2020.

2. Time to Pay Order Application.

The Debtor submitted a Time to Pay Order Application to the Tribunal dated 27th February 2020. In support of the Application she sent the Tribunal a copy of the Charge for Payment by Thomas Hannah & Co, Sheriff Officers dated 19th June 2020.

The Application requested a Time to Pay Order be granted of ONE HUNDRED AND FIFTY POUNDS (£150) per month. The Debtor provided details of her financial position.

The Application provided the information required in terms of Procedure Rule 41H(2).

3. Response to Time to Pay Order Application.

The Creditor submitted a response to the Time to Pay Order Application to the Tribunal dated 1st July 2020. The Creditor confirmed that she agreed to the Time to Pay Order Application.

4. Decision

In terms of Procedure Rule 41H(4) if the Creditor does not object to the Application the Tribunal must make the Time to Pay Order in terms of the Application.

The Tribunal finds that the Creditor did not object to the Application.

The Tribunal considered the Time to Pay Order Application and finds it to be reasonable.

Accordingly the Tribunal make a Time to Pay Order under Section 5(2) of the Debtors (Scotland) Act 1987, in the following terms:

The Debtor is required to pay the sum of £150 per month until the full amount has been paid. The first payment must be made no later than 14 days after intimation of the Time to Pay Order, following on this Decision.

While a Time to Pay Order is in effect, it is not competent to serve a charge for payment, or commence or execute any diligence to enforce payment of the debt concerned.

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.

Jacqueline Taylor

Date: 15th July 2020

Legal Member: |

