



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 5 and 7 of the Debtors
(Scotland) Act 1987**

Chamber Ref: FTS/HPC/PY/23/1646

Parties:

Nicole McLaughlin, 43 Kairns Crescent, Livingston, EH54 7FX (“the Applicant”)

Mr Alan Moore, 6 Fern Lea Grove, Carronshore, FK2 8AF (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Time to Pay Order be made requiring the Debtor to pay the sum of £100 per fortnight with payments commencing no later than fifteen days after intimation of the order on the Debtor.

Background

- 1. A payment order for £2000 was made against the Applicant on 9 March 2023**
- 2. On 22 May 2023, a Charge in respect of the debt was served on the Applicant.**
- 3. The sum due in respect of the Charge, including sheriff officer’s charges is £2103.24.**

The Application

- 4. On 22 May 2023, the Applicant submitted an application for a Time to Pay Order in terms of Section 5 of the Debtors (Scotland) Act 2007. The Applicant offered to pay the sum of £50 per month.**

5. The Respondent was advised of the offer and indicated that he was not prepared to accept it.

The Hearing

6. The Hearing was held by audio conference on 18 August 2023. The Respondent was present.
7. Shortly prior to the Hearing, the Applicant emailed the Tribunal administration and intimated that she would not be able to attend because of a work commitment that had just arisen.
8. In a separate email, the Applicant stated that she was now in employment and, as a consequence, could increase the amount she would be able to pay. She intimated that she could pay £100 per fortnight.
9. The Respondent stated that he was content with the debt being paid at the rate of £100 per fortnight.

Determination

10. Payment at the rate of £100 per fortnight would mean that the debt would be paid within a year and, considering that the Respondent is content with payment at that rate, the Tribunal makes an order in those terms.

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.

Martin McAllister

Martin J. McAllister
Legal Member
18 August 2023