



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 5(2) of the Debtors (Scotland)  
Act 1987**

**Chamber Ref: FTS/HPC/PY/23/1447**

**Parties:**

**Sarah Louise Buchan, 40 Marchburn Drive, Aberdeen, AB16 7NA (“the Applicant”)**

**Mr Gareth Winchester, 7 Albert Street, Aberdeen, AB25 1XX (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Time to Pay Order, requiring the Applicant to pay the sum of £50 per calendar month until the full amount due to the Respondent has been paid.**

**Background**

1. On 27 January 2023, the Tribunal ordered the Applicant to pay the Respondent the sum of £4,175 in respect to an application for payment which proceeded under chamber reference FTS/HPC/CV/22/1872.
2. The Respondent served a charge for payment on the Applicant on 14 March 2023.
3. The Applicant submitted an application for a Time to Pay Order in terms of Section 5(2) of the Debtors (Scotland) Act 1987, offering payment to the Respondent at the rate of £20 per month.
4. The Tribunal intimated the application to the parties by letter of 10 July 2023 and advised them of the date, time and conference call details of today’s CMD.

### **The case management discussion**

5. The CMD took place by conference call. The Applicant joined the call personally and the Respondent was represented by Mr Chris Minchin and Miss Billy Redgate. The Respondent's representative explained that another debtor has made some payments towards the debt due and the current balance is £3,975. The offer to pay at the rate of £20 per month was not accepted by the Respondent, given the length of time it would take to repay the debt. The Applicant explained that she can increase her offer to £50 per month. The Respondent's representative accepted the increased offer of payments at the rate of £50 per month.

### **Reason for Decision**

6. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant increased her offer of payment and that increased offer was accepted by the Respondent's representative.

### **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.**

**Nicola Irvine**

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**Legal Member/Chair**

**15 August 2023**

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**Date**