



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED
POWERS OF THE CHAMBER PRESIDENT**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Procedure Rules")**

Case Reference: FTS/HPC/PY/1819 and PY/25/2760

Fraser Jamieson, 5 Glenalmond Terrace, Perth ("the Debtor")

1. The Debtor lodged an application for a time to pay order in terms of Rule 41H of the Procedure Rules and Section 5 of the Debtors (Scotland) Act 1987. The application was lodged on 28 April 2025 and states that a charge for payment had been served. The Tribunal issued a request for further information in terms of Rule 5(3) of the Procedure Rules, directing the Debtor to provide a copy of the charge. The Applicant responded but did not provide a copy of the charge for payment. In response to a further request for information, he submitted a new application on 24 June 2025. This related to the same creditor and order. The Tribunal issued a request in relation to both cases, directing the Debtor to provide a copy of the charge. No response has been received.

Decision

2. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has "good reason to believe that it would not be appropriate to accept the application."

Reasons for decision

3. In terms of Rules 5(2) and (3) of the Procedure Rules, the Chamber President or a Member with delegated powers must assess whether the "mandatory requirements for lodgement have been met" in relation to an application and "may request further documents".
4. The application is in terms of Section 5 of the 1987 Act. In terms of this section,

an application can only be made once a charge for payment or other form of diligence has commenced. The Debtor stated that a charge for payment has been served by the Creditor. However, he failed to provide a copy of the charge with the application or in response to several requests for this to be submitted..

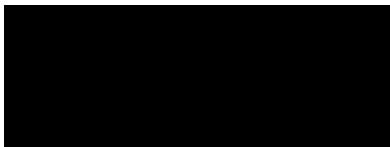
5. The Applicant has failed to demonstrate that the application is competent, in the absence of any evidence that a charge has been served. The Debtor has also failed to respond to several requests for information issued in terms of Rule 5(3) of the Procedure Rules. In the circumstances, the Legal Member is satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the decision of the Chamber President, or any Legal Member acting under delegated powers, 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. Information about the appeal procedure can be forwarded to you on request.



Josephine Bonnar, Legal Member
30 July 2025