



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/PY/26/0637**

**Parties:**

**Maria Fernanda Panizza Martins, 2/2 1 Sydney Street, Glasgow, G31 1AS (“the Applicant”)**

**Tribunal Members: Ruth O’Hare, Legal Member with delegated powers from the Chamber President**

**Decision**

The Legal Member determined that there is good reason to believe that it would not be appropriate to accept this application received by the Tribunal on 10 February 2026.

The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

**Background**

- 1 This is an application under section 5 of the Debtors (Scotland) Act 1987 (“the 1987 Act”). The Applicant sought a time to pay order following the Tribunal’s decision in the application FTS/HPC/CV/25/1087 in terms of which an order for payment was granted against the Applicant.
- 2 In terms of Rule 5(2) of the Rules, a Legal Member of the Tribunal with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner. Following said review the Tribunal wrote to the Applicant by email on 11 February 2026 in the following terms:-

*“A Legal Member of the Tribunal with delegated powers from the Chamber President has reviewed your application for time to pay and has requested the following:-*

- 1. A copy of the Charge served on you by Sheriff Officers in respect of this debt. You have ticked the box in the application form to confirm that a Charge has already been served.**

**2. Proof that you have intimated this application on the Creditor (your former landlord), such as a Recorded Delivery postal receipt and the corresponding 'track & trace' delivery receipt from the Royal Mail website.**

*Please reply to this office with the necessary information by **25 February 2026**. If we do not hear from you within this time, the President may decide to reject the application."*

3 On 11 February 2026 the Applicant emailed the Tribunal with a postal receipt and stated that *"I had included in the application two pages where it is the tribunal sentence to pay"*.

4 On 12 February 2026 the Tribunal wrote again to the Applicant in the undernoted terms:-

*"Your email of 11 February 2026 is acknowledged and has been considered.*

- We note that on 11 February 2026 we asked you to provide a copy of a charge for payment which has been served upon you. A charge for payment is a formal legal notice served by sheriff officers requiring a debtor to make payment of a sum awarded against them by a court or tribunal order.*

- It is not competent for this tribunal to make a time to pay order unless and until a charge for payment has been served upon a debtor. We would refer you to section 5 of the Debtors (Scotland) Act 1987. Has such a document been served upon you in relation to this outstanding debt? If so please provide a copy. The decision of the tribunal is not a charge for payment.*

- This tribunal has no power to make the order you seek unless and until the creditor instructs sheriff officers to enforce the decree against you and asks them to serve a charge for payment upon you.*

*The tribunal would suggest that you may find it useful to seek independent legal advice on this application, the matters contained in this letter and any further action which you wish to take.*

*Please respond to this letter within the next two weeks.*

*If you fail to respond to this letter then the tribunal may reject your applications. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.*

*Please reply to this office with the necessary information by 26 February 2026."*

5 On 20 February 2026 the Applicant emailed the Tribunal with a copy of the Tribunal's decision dated 31 October 2025 in application FTS/HPC/CV/25/2994 and the Tribunal's order in application FTS/HPC/CV/25/1087. The Applicant sent a second email that same day, stating that a copy of the charge was attached.

She explained that she had spoken with her social worker and he had explained what she needed to send to the Tribunal. She apologised as English was not her first language.

- 6 On 25 February 2026, the Tribunal wrote again to the Applicant in the undernoted terms:-

*“We received two emails from you on 20th February. The first email had the Tribunal decision and order attached. These are not the documents we have asked for. The second email stated there was a charge for payment attached, but there was no attachment. Please now send the charge for payment. Please do not send the Tribunal decision and order again. If you have not yet received a charge for payment, please withdraw the application.*

*Please reply to this office with the necessary information by **11 March 2026**. If we do not hear from you within this time, the President may decide to reject the application.”*

- 7 On 11 March 2026 the Applicant emailed the Tribunal with a further copy of the Tribunal’s order in application FTS/HPC/CV/25/1087.

### **Reasons for decision**

- 8 The Legal Member has determined that the application should be rejected in terms of Rule 8(1)(c) of the Rules, 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”*.
- 9 Section 5 of the 1987 Act permits a debtor to apply to the Tribunal for a time to pay order where a charge for payment has been served upon them, an arrestment has been executed, or an action of adjudication for debt has been commenced.
- 10 The Applicant states in her application that a charge for payment has been served upon her. The Tribunal has requested a copy of the charge on three occasions but the Applicant has not provided the document. Instead, she has provided further copies of the Tribunal’s order in the case against her. The Legal Member can therefore reasonably assume that the Applicant has not yet been served with a charge.
- 11 Accordingly the Legal Member has concluded that it would not be appropriate to accept the application at this time as the Applicant has failed to establish that the application complies with the requirements of section 5 of the 1987 Act. If the Applicant is latterly served with a charge by the creditor, she can re-submit the application to the Tribunal at that stage with a copy of the charge.

### **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.

# R O'Hare

12 March 2026

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Legal Member/Chair

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Date