



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 6(3) of the Debtors (Scotland) Act 1987

Chamber Ref: FTS/HPC/PY/26/1749

Parties:

Mr Stefan Robertson, 6 Lindsay Avenue, Inverness, IV3 5ET (“the Debtor”)

Highland Housing Alliance, Fairways, Castle Heather, Inverness IV2 6AA (“the Creditor”)

**Tribunal Members: Joan Devine
Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for a time to pay order should be refused.

- **Background**
On 13 February 2026 the Tribunal made a payment order in terms of which the Debtor was required to make payment of £4,692.17 plus interest to the Creditor. By application dated 2 April 2026 the Debtor applied for a time to pay direction in terms of the Debtors (Scotland) Act 1987 (“1987 Act”).
- **Reasons for Decision**
In terms of section 5 of the 1987 Act an application for a time to pay direction can only be made once a charge for payment has been served on the Debtor by the Creditor. By email dated 28 April 2026 the Tribunal asked for evidence of a charge having been served and evidence of the application having been served on the Creditor as required by Rule 41H(1) of the Tribunal Rules of Procedure. No such evidence as provided. In these circumstances the application is premature and therefore is not competent.
- **Decision**
The application for a time to pay order is refused.

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.

Legal Member/Chair



Date : 5 May 2026