



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/26/0866

Parties:

Rory Neil Walker, 10 Barbeiston Road, Dalrymple, KA6 6DZ (“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 20 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/25/0339 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 28 February 2026 in the following terms:-

“Your application has been assessed by a Legal Member of the Tribunal with the delegated authority of the Chamber President. The Legal Member has requested the following information or documentation:

Please confirm whether a charge for payment has been served. If it has not been served, the application is premature and must be withdrawn. If it has been served, please provide a copy.

We cannot accept a care of address for an Applicant. Please provide an address that is not a care of address.

Your proposal is unclear. You have ticked instalments of £750, but you have then inserted '6 months' into the one lump sum payment box. Please amend the relevant page of the application form to show what you are proposing.

When the above has been clarified, you must serve a copy of the application form on the Creditor and provide us with evidence of service of the form.

Please reply to this office with the necessary information by 14 March 2026. If we do not hear from you within this time, the President may decide to reject the application."

3 On 4 March the Applicant responded to the Tribunal by email. He confirmed that he had not been served with a charge.

4 On 11 March 2026 the Tribunal wrote again to the Applicant in the following terms:-

"A legal member of the Tribunal has reviewed your email of 4 March 2026.

If you have not been served with a charge, your application is premature and cannot proceed at this time.

Please confirm that the application is withdrawn, failing which it will be rejected by the Chamber President and a decision published on the Tribunal's website."

5 The Tribunal has received no response from the Applicant as at the date of this decision.

Reasons for decision

6 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*".

7 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.

8 The Applicant has confirmed that they have not yet been served with a charge. They have been asked to withdraw the application but have not explicitly done so. Accordingly, the Legal Member has concluded that it would not be appropriate to accept the application at this time as the application cannot comply with the requirements of section 5 of the 1987 Act. The Applicant can re-submit the application to the Tribunal once a charge has been served upon them.

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.

Ruth O'Hare

31 March 2026

Legal Member/Chair

Date