



Statement of Decision under Rule 39 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (contained in Schedule 1 Part 1 of the Chamber Procedure Regulations 2017 (SSI No.328) as amended) (“the Rules”) in relation to a review under section 43(1) of the Tribunals (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/26/0180

Re: Property at 170 High Street, Biggar, Lanarkshire, ML12 6DH (“the Property”)

Parties:

Mrs Gillian McDonald, 184 High Street, Biggar, Lanarkshire, ML12 6DH (“the Applicant”)

Mrs Lisa Carey, 5 Knock Street, Biggar, ML12 6DY (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to review its decision of 29 June 2026, set that decision aside, and make a payment order in the sum of £3951.60.

The Tribunal further determined to make a time to pay direction requiring the Respondent to make payments to the Applicant of £165 per month until the debt is repaid, with the first payment to be made within 28 days of the date of this decision.

Background

- 1 By decision dated 29 June 2026, the Tribunal made a payment order against the Respondent in the sum of £3951.60 and refused the Respondent’s time to pay application requesting the sum be paid by instalments of £50 per month. Reference is made to the said decision of the Tribunal in this regard.
- 2 On 7 July 2026 the Tribunal received an application for review of the decision from the Respondent. In summary the Respondent stated that she wished to increase her proposed instalments to £165 per month. She apologised for the lack of engagement, stating that she had been on sick leave from work and her

mobile phone had been stolen. The Respondent advised that she was now receiving specialist debt advice from the Citizens Advice Bureau.

- 3 In terms of Rule 39(2)(b) of the Rules, an application for review must be made within 14 days of the date that the written reasons for the decision were sent to the parties. The decision with statement of reasons was sent to the Respondent on 30 June 2026. The application is therefore timeous.
- 4 The application for review was intimated to the Applicant for her views. On 16 July 2026 the Tribunal received an email from the Applicant with her views on the application. The Applicant advised that she was content with the original decision but noted the terms of the review request. She felt that although the Respondent's payments had increased, the situation may still drag on. She would be happy to accept monthly instalments but would prefer the outstanding amount to be settled in twelve to eighteen months, albeit she would accept whatever the Tribunal decided.

Relevant legislation

- 5 Rule 39 of the Rules states:-

“Review of a decision

39.—(1) The First-tier Tribunal may either at its own instance or at the request of a party review a decision made by it except in relation to applications listed in rule 37(3)(b) to (j)(22), where it is necessary in the interests of justice to do so.

(2) An application for review under section 43(2)(b) of the Tribunals Act must—

(a) be made in writing and copied to the other parties;

(b) be made within 14 days of the date on which the decision is made or within 14 days of the date that the written reasons (if any) were sent to the parties; and

(c) set out why a review of the decision is necessary.

(3) If the First-tier Tribunal considers that the application is wholly without merit, the First-tier Tribunal must refuse the application and inform the parties of the reasons for refusal.

(4) Except where paragraph (3) applies, the First-tier Tribunal must notify the parties in writing—

(a) setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing; and

(b) may at the discretion of the First-tier Tribunal, set out the First-tier Tribunal's provisional views on the application

(5) In accordance with rule 18, the decision may be reviewed without a hearing.

(6) Where practicable, the review must be undertaken by one or more of the members of the First-tier Tribunal who made the decision to which the review relates.

(7) Where the First-tier Tribunal proposes to review a decision at its own instance, it must inform the parties of the reasons why the decision is being

reviewed and the decision will be reviewed in accordance with paragraph (4) (as if an application had been made and not refused).

(8) A review by the First-tier Tribunal in terms of paragraph (1) does not affect the time limit of 30 days in regulation 2(1) of the Scottish Tribunals (Time Limits) Regulations 2016(23) for making an application for permission to appeal.

(9) Paragraph (1) does not apply to an appeal made under section 92 (appeal against refusal to register or removal from register) of the 2004 Act.”

- 6 Section 43 of the Tribunals (Scotland) Act 2014 states that in a review by the tribunal, the tribunal may (a) take no action, (b) set the decision aside, or (c) correct a minor or accidental error contained in the decision.

Reasons for decision

- 7 The Tribunal determined that it could proceed to a decision on the application for review without a hearing. The Applicant had confirmed she was content to accept the Tribunal's decision and neither party had requested a hearing on the application.
- 8 The Respondent has now amended her time to pay application to increase the proposed instalment payments to £165 per month. At that rate, the debt would be cleared in just under two years. At paragraph 17 of its decision of 29 June 2026, the Tribunal indicated that it *“would expect any reasonable offer to be one that would repay the debt within a maximum of two years”*.
- 9 The Tribunal therefore determined that it would be in the interests of justice to set aside its decision of 29 June 2026 and remake the payment order with a time to pay direction requiring payments of £165 per month until such time as the debt is paid. It should be noted that if the Respondent fails to make payments in accordance with the time to pay direction, the Applicant will then be able to take steps to enforce payment in full without reverting back to the Tribunal.

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

23 August 2026

Legal Member/Chair

Date