



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/PY/20/0462

Parties:

Marie Steenson ("the Applicant")

Jimmy Russell and Ms Agne Zdanaviciute ("the Respondents")

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant received by the Tribunal on 10th February 2020, being an application under section 5 of the Debtors (Scotland) Act 1987 for a Time to Pay Order in respect of the Payment Order issued by the Tribunal date 4th December 2019 in respect of payment of the sum of £800.

The Tribunal sent an email to the Applicant dated 24th February 2020 advising that an application for a Time to Pay Order can only be made after the commencement of diligence but before its commencement. They explained that this provision is contained in Section 5 (1) of the Debtors (Scotland) Act 1987 which states:

(a) a charge for payment has been served on the debtor;

(b) an arrestment has been executed; or

(c) an action of adjudication for debt has been commenced."

The Tribunal asked the Applicant to confirm if she had received documents in relation to any of the three forms of diligence mentioned in Section 5(1) above.

The Applicant replied by email dated 25th February 2020 stating: 'With regard to the three forms of diligence the answer is no I haven't received anything from the Sheriff Officers.'

Accordingly the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

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}

J. Taylor

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.....Legal Member Date: 11th March 2020