



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/19/3304

Parties:

Mary Christiansen, residing at 10 (2F2) Murrayfield Place, Edinburgh, EH12 6AA ("the Applicant")

Mrs Maria Montanes Rodriguez, 124/12 Restalrig Road, South, Edinburgh, EH7 6JA ("the Respondent")

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 8th October 2019 being an Application for a Time to Pay Order.

The application has been raised prematurely as the Applicant has not received a Charge for Payment. She advised in her email dated 13th December 2019 that she has only received the Decision of the Tribunal. In terms of section 5(1) of the Debtors (Scotland) Act 1987 a Time to Pay Order may be applied for after diligence has commenced. The Application for the Time to Pay Order has been made prematurely as diligence has not yet commenced.

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

Jacqueline Taylor

.....Legal Member

Date: 18th December 2019

