



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 5 of the Debtors (Scotland)  
Act 1987**

**Chamber Ref: FTS/HPC/PY/20/2191**

**Parties:**

**Michelle Chandler, 24 Turnbull Avenue, Alexandria, G83 0BG (“the Applicant”)**

**Mr Glenn Kelly, Brook House, Lambert Road, Tamerton Foliot, Plymouth, PL5  
4NB (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Elizabeth Currie (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that**

**Background**

This matter called for a Time to Pay Hearing under s 5 of the Debtors (Scotland) Act.

A Payment Order had been made against the Respondent in in favour of the Applicant under Tribunal Reference FTS/HPC/CV/20/0338.

A Charge for Payment was served on the Respondent and the total sum due was £2,439.48.

The Applicant has submitted a Time to Pay Application with the Tribunal dated 14 October 2020. The Applicant proposes to pay the sum of £100.00 every month in satisfaction of the debt.

The Application is opposed by the Respondent. The Respondent is prepared to allow a reasonable time for payment but is dubious about the veracity of the figures put forward by the Applicant and wanted matters brought to an end as soon as possible.

## **The Hearing**

The Application called for a Hearing at 10 am on 22 February 2020 by conference call. Both parties were present on the call and indicated they were happy to proceed with the Hearing.

The Tribunal heard from the Applicant and questioned her carefully on her financial incomings and outgoings. She is employed as a nurse practitioner on an annual salary of £36,500.00 per annum. She lives alone and has no children. She describes her monthly net income as being £1,925. She listed her outgoings as being £575.00 for rent, £143 for council tax, £185.00 for utilities; £135.00 for food; £300.00 for car loan payments including part repayment of a loan to a friend for car repairs; £65.00 per month for her phone costs and £200.00 travel costs per month. The Applicant also indicated she had made an arrangement with Walker Love for an additional council tax repayment of £120.50 per month. The Applicant advised she was currently off work sick and not carrying out any overtime. The Applicant has the ability on occasion to work paid overtime.

The Tribunal took the view that the Applicant was clearly not good with managing her money, albeit some of the outgoings claimed appeared to the Tribunal to be unreasonably high. Particularly the mobile phone, utilities and car loan repayments.

The Tribunal also considered that it was inappropriate for the Claimant to consider the sums due to the Respondent under a Payment Order to be treated as less of a priority as other non-essential outgoings.

The Tribunal heard from the Respondent and noted his position carefully. The Respondent was aggrieved that even after a substantial time after the granting of the Payment Order, he had still not received any payment from the Applicant.

## **Findings in Fact**

Having heard from parties, the Tribunal made the following findings in fact.

- I. The Applicant is a nurse practitioner with an annual salary of £36,500.00 per annum.
- II. The Applicant lives alone with no children.
- III. The Applicant has monthly outgoings of £575.00 for rent; £143 for council tax, £185.00 for utilities; £135.00 for food; £300.00 for car loan payments including part repayment of a loan to a friend for car repairs; £65.00 per month for her phone costs and £200.00 travel costs per month.
- IV. Not all of the Applicant's monthly outgoings are essential. The monthly mobile phone cost appears excessive. The monthly sum of £36.00 paid out to the Applicant's friend for a loan is a non-essential expense for the purposes of this Application. The sum of £200.00 travel expenses is excessive as the Applicant is not currently working. The utilities sums claimed appear excessive.

- V. The Applicant has the ability to pay off the debt quicker than she wishes and it is reasonable in the whole circumstances of the situation that the debt is paid off within around a one year time period.

### **Reasons for Decision**

Having made these findings in fact and having considered the terms of s 5 (2) (a) of the Debtors Scotland Act 1987, The Tribunal granted the Time to Pay Application at a rate of £250.00 per month.

### **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.

**A. M**

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**Legal Member/ Chair**

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**Date: 22 February 2021**