



**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/21/1477

Parties:

**Miss Hayley Rebecca Ingham, 49B Blaeloch Drive, Castlemilk, Glasgow, G45
9QJ (“the Applicant”)**

Ms Katy Salkeld, 28 Grange Terrace, Bo'ness, EH51 9DS (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined that a Time Pay Order be granted. The Applicant, who is the Debtor, is required to make payment of the previously ordered sum of One Thousand Two Hundred and Eighty Nine Pounds and Seventy Four Pence (£1,289.74) at a rate of £50 per month until the said debt is paid with the first payment being due no later than 28 days from the date of this decision.

Introduction

This is an application under Section 5 of the Debtors (Scotland) Act 1987. This statutory provision allows an application to be made by a debtor to the First-tier Tribunal for a Time to Pay Order where a debt due is under an Order and a Charge for Payment has been served. The application is made with reference to Rule 41H.

By way of Order of the Tribunal made on 12 April 2021 the applicant and her former co-tenant, her ex-partner, Mr John Carlyle, were found jointly and severally liable in the total sum of £1,289.74. This sum represented arrears of rent and other charges found to be due to the respondent, who is the former landlord.

On 28 May 2021, Sheriff Officers served a Charge upon the applicant. Following service of the Charge, she lodged an application for a Time to Pay Order with the Tribunal. This is dated 16 June 2021.

On 10 August 2021, an inhouse convener considered the application for a Time to Pay Order and found that it was competent. The Tribunal ordered that any diligence be Sisted until further Notice.

A Case Management Discussion (CMD) took place on 10 November 2021 at 10.00 am. This took place by teleconference. The applicant was represented by her mother, Mrs Caroline Ingham. The hearing had been intimated to the respondent. She did not join the hearing.

Findings and Reasons

The applicant is Miss Hayley Rebecca Ingham. She was in a previous relationship with Mr John Carlyle. They were joint tenants of the property at 25 Buchanan Court, Bo'ness EH51 0NR. They entered into a private residential tenancy with Ms Katie Salkeld, the owner of the property. The tenancy commenced on 1 June 2018 and continued until 12 June 2019.

The landlord, Ms Salkeld, initiated proceedings before the First-tier Tribunal under Chamber reference FTS/HPC/CV/20/1467, being an action for civil proceedings in which she sought to recover arrears of rent and other charges. Following an evidential hearing in that case heard by the Tribunal on 31 March 2021, the applicant and Mr Carlyle were found jointly and severally liable for the total sum of £1,289.74.

A Charge was served upon the applicant on 28 May 2021. She has made an application for a Time to Pay Order to the Tribunal.

In the written Time to Pay application, the applicant initially offered to pay at £20 per month. She has subsequently increased the offer to pay at £50 per month.

The applicant and Mr Carlyle have previously agreed to share the outstanding debt, with Mr Carlyle prepared to assume the burden of £734.87 and the applicant prepared to accept the burden of £554.87. That is purely a matter for them and the Tribunal cannot interfere with the joint and several Payment Order which has previously been made against both of them.

The applicant is a student and a single mother. Her net income totals around £610 per month. Her monthly outgoings including all housing costs, utilities, food and other essentials exhaust this income. She is able with support to make an offer to repay the debt due to the respondent and takes her legal responsibilities seriously.

The Tribunal finds that the applicant's offer to pay at £50 per month is reasonable. Repayment of the total sum due at £50 per month will take around 2 years

The Tribunal accordingly unanimously made the Pay to Time Order requiring the applicant to repay the debt due at the rate of £50 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.

Richard Mill

Legal Member/Chair

10 November 2021

Date