



**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/21/3068

Parties:

Ms Carol Judge, 15 Hillhead Drive, Falkirk, FK1 5NG (“the Applicant”)

Mrs Amy McFadzean, 42 Thornbridge Road, Falkirk, FK2 9AX (“the Respondent”)

Tribunal Members:

David Preston (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the applicant will pay to the respondent the full sum of TWO THOUSAND SEVEN HUNDRED AND EIGHTY POUNDS (£2780) at the rate of TWO HUNDRED POUNDS (£200) per month until paid, commencing no later than 30 after the date of issue of the Order.

Background

1. By application dated 7 December 2021 the applicant sought a Time to Pay Order in respect of a Payment Order issued by the tribunal on 5 October 2021 in respect of which charge for payment had been served on her on 13 November 2021.
2. On 20 December 2021 the tribunal issued an Interim Order to assist diligence in respect of the Payment Order.
3. On 23 December 2021 the respondent submitted her response to the application.
4. A Case Management Discussion (CMD) was scheduled for 13 April 2022 to place by telephone conference call, which was attended by both parties.

Case Management Discussion (CMD)

5. The tribunal had before it: the application dated 7 December 2021; the response form dated 30 November 2021; and unsigned and undated statement from the applicant; an email from the respondents dated 20 January 2022; Decision of the tribunal dated 5 October 2021.
6. The application included the applicant's financial circumstances and offered to make payment at the rate of £70 per month. The respondent considered that, in light of the financial information provided by the applicant and of the fact that it would take significantly more than three years to complete payments, the offer of instalments was inadequate.
7. After discussion between the parties the applicant offered to make payments at the rate of £200 per month, which was accepted by the respondent.
8. The tribunal considered that such an agreement would clear the sum due in a period of approximately 14 months and agreed to issue a Time to Pay Order providing for such instalments.

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.

David Preston

Chairman

13 April 2022