



**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/19/2006

Parties:

Greg McCartney residing at 6 Woodlands Drive, Motherwell, ML14XU ("the Applicant")

Mrs Joanne Black or Marshall c/o Nolans Law Limited, 39 Donaldson Street, Glasgow, G66 1XE ("the Respondent")

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 26<sup>th</sup> June 2019 being an Application for a Time to Pay Order.

The application has been raised prematurely as the Payment Order in the sum of ONE THOUSAND SEVEN HUNDRED AND SIXTY POUNDS (£1760) dated 28<sup>th</sup> June 2019 has still to be issued by the Tribunal. The Order will be issued once the appeal period has passed.

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 the Payment Order has not yet been issued by the Tribunal and 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**

J.Taylor

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.....Legal Member

Date: 3<sup>rd</sup> July 2019

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