

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 30 (9) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”)

Chamber Reference No: FTS/HPC/EV/24/1373

Property: 25 Weighhouse Close, Paisley, PA1 1AG (“the Property”)

Mrs Elizabeth Kell and Dr. Philip Kell, 31 Oyster Bend, Paignton, TQ4 6NL (“the Applicants”) and

Jackson Boyd LLP, Framework, 124 St. Vincent Street, Glasgow, G2 5HF (“the Applicants’ Representative”) and

Dhikrullah Alasela, 25 Weighhouse Close, Paisley, PA1 1AG (“the First Respondent”) and

Fatia Adebayo Ariyike, 25 Weighhouse Close, Paisley, PA1 1AG (“the Second Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
E Williams - Ordinary Member**

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal” refuses the Respondents’ application to recall the eviction order granted on 27th February 2025.

Background and Case Management Discussions on 3rd December 2024, 27th February 2025, 13th May 2025 and 6th June 2025

1. The Applicants applied for an eviction order, in terms of Rule 109 of the 2017 Rules and a Casement Management Discussion (“CMD”) proceeded by remote tele-conference call on each of the above dates. Reference is made to the Notes on those CMDs.

Case Management Discussion on 1st September 2025

2. A further CMD proceeded by remote teleconference call at 10am on 1st September 2025. The Applicants' Representative's Ms R Linich attended. Mrs M Turnbull, from the Applicants' letting agents, attended. The Second Respondent Ms Ariyike also attended.
3. Ms Linich referred to the updated rent statements which she had sent to the Tribunal's office on 14th August and also this morning. She said that following the Respondents' last payment of rent, in the sum of £1,000.00, on the morning of the last CMD, on 6th June 2025, they had not made any further payments until this morning when a further payment of £1,000.00 was received. Mrs Turnbull stated that the amount of rent arrears now owing, at today's date, are in the sum of £10,820.00. Ms Linich stated that the Respondents had not adhered to their proposal to make payment of the sum of £1,500.00 per month in respect of ongoing rent as well as arrears, which the First Respondent Mr Alasela had made at the last CMD on 6th June 2025. She said that in the circumstances, and notwithstanding the further payment made this morning, the Applicants wish the eviction order, granted on 27th February 2025, to stand, and the Respondents' application to recall that order to be refused.
4. Ms Ariyike said that Mr Alasela had not earned the level of wages from his delivery jobs, with Amazon and Uber Eats, which he thought he would have earned over the summer of 2025. She said that he could not attend today's CMD as he has an interview for a job in security. Ms Ariyike stated that she returned to work early, following the birth of her baby in December of last year, in August 2025. She said that it was money from her wages which enabled the Respondents to make a further payment towards rent arrears, of £1,000.00, this morning. Ms Ariyike said that she should be able to pay the sum of £1,000.00, from her wages, towards rent and arrears, each month going forward. Ms Ariyike stated that Mr Alasela's wages should also increase during winter months as a result of more deliveries being made by the companies he works for. She said that she and Mr Alasela may be able to repay monies to their landlords of £2,000.00 per month.

Decision and Reasons

5. Having considered all of the submissions of Ms Linich, Mrs Turnbull and Ms Ariyike, the Tribunal decided to refuse Mr Alasela and Ms Ariyike's application for recall of the eviction order. The Tribunal said to Ms Linich, Mrs Turnbull and Ms Ariyike, before pausing to consider the submissions, and also when delivering the decision orally to them, that they have to be fair and just to all parties and have to weigh all relevant factors when making a decision. Dr. Kell and Mrs Kell started action to recover possession of the Property when their Representative served a Notice to Leave ("NTL") on the Respondents on 26th January 2024. Their formal Application, seeking the grant of an eviction order, was accepted by the Tribunal in July 2024. The Tribunal have continued previous CMD's to allow Mr Alasela and Ms Ariyike the opportunity of making proposed payments towards ongoing rent and rent arrears but they have not been able to adhere to those proposals. Their arrears of rent have increased. The Tribunal informed Ms Linich, Mrs Turnbull and Ms Ariyike that as today's CMD was the fifth that had taken place in respect of this Application,

and that the arrears of rent had increased by £4,500.00 since the first CMD on 3rd December 2024, they consider that the balance of fairness now lies with the Applicants, Mrs Kell and Dr. Kell. The Tribunal stated that they consider that it is in the interests of all parties to have an eviction order granted, in particular to stop further rent arrears accruing.

6. Accordingly, the Tribunal decided that it is fair and just to refuse the Respondents' application to recall the previous eviction order, granted on 27th February 2025. As the Tribunal also stated to Ms Linich, Mrs Turnbull and Ms Ariyike, they consider that, given the circumstances of this case, an additional period of time should be granted to Mr Alasela and Ms Ariyike before enforcement of the eviction order may be carried out. As Mr Alasela and Ms Ariyike are working, and have a young family, the Tribunal have decided that it is reasonable to amend the eviction order of 27th February 2025 to provide for an enforcement date no earlier than 3rd November 2025.

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.

G McWilliams

1st September 2025
