



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/25/2672**

**Re: Property at 108 Castle Court, 10 Kings Drive, Newton Mearns, G77 5JA (“the  
Property”)**

**Parties:**

**Mr Victor Coats, 11 Sutherland Avenue, Glasgow, G41 4JJ (“the Applicant”)**

**Mr Alan Konopate, 108 Castle Court, 10 Kings Drive, Newton Mearns, G77 5JA  
 (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ann Moore (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicant is entitled to the Order sought for  
recovery of possession of the property. The Tribunal varied the period of charge  
by extending it by two weeks, in terms of section 216(4) of the Bankruptcy and  
Diligence etc Scotland Act 2007.**

**Background**

1. The Applicant submitted an application under Rule 65 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).

3. Letters were issued on 18 December 2025 informing both parties that a CMD had been assigned for 12 February 2026 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 8 January 2026. No written representations were received by the Tribunal.

### **The case management discussion – 12 February 2026**

4. The CMD took place by conference call. Both parties joined the call and represented themselves. The Tribunal explained the purpose of the CMD.
5. The Respondent did not oppose the application but he does not have alternative accommodation to go to. He lives alone in the Property and is in employment. He has not been in touch with the local authority but has been looking for a privately let property. He estimates that he has viewed approximately 8 properties. He explained that some of his applications were not successful because the Applicant was not a registered landlord for a period of time and he was unable to produce evidence of payment of rent because until recently rent was paid in cash. The Respondent sought more time to look for alternative accommodation.
6. The Applicant explained that following the breakdown of a relationship, he had to move into rented accommodation in January 2025. He told the Respondent in December 2024 that he would require the Property back so that he can live in it. The Applicant objected to additional time being allowed to the Respondent to look for alternative accommodation and he relied on the fact that he told the Respondent in December 2024 of his intention and then served the relevant notices in April 2025.

### **Findings in Fact**

7. The Applicant is the owner and landlord of the Property at 108 Castle Court, 10 Kings Drive, Newton Mearns, G77 5JA
8. The Respondent is the tenant of the Property.
9. The tenancy in question is an assured tenancy which commenced on 8 June 2012. The tenancy has continued by tacit relocation.
10. The Applicant served Notice to Quit and form AT6 on the Respondent by sheriff officer on 3 April 2025.
11. Before the beginning of the tenancy, the Applicant occupied the Property as his principal home. He now requires the Property as his principal home.

12. The Applicant did not give notice to the Respondent before the tenancy began that he may rely on ground 1 of schedule 5 of the Housing (Scotland) Act 1988.

### **Reason for Decision**

13. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
14. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD. The Applicant previously occupied the Property as his principal home from 1995 to 2012. He is a 72 year old pensioner. He is currently living in rented accommodation and wishes to recover possession of the Property so that he can live in it again as his principal home. He told the Respondent in December 2024 that he wished to move back into the Property. The Applicant served a notice to quit and form AT6 in April 2025. The Respondent has therefore had 10 months of formal notice of the Applicant's intention. The Respondent did not oppose the application although he does not have alternative accommodation. He sought additional time to find accommodation. The Tribunal decided that it was reasonable to dispense with the notice required in terms of ground 1 of schedule 5 of the Housing (Scotland) Act 1988 and was satisfied that the ground was established. When the Respondent rented the Property in 2012, he was aware of his status as tenant and that the tenancy agreement may be brought to an end. In light of the information provided by both parties, the Tribunal was persuaded that it was reasonable to grant an order evicting the Respondent from the Property.
15. The Respondent has not yet secured alternative accommodation. He has applied for privately rented accommodation. The Tribunal exercised its discretion and extended the period for notice of removal by a period of 2 weeks.

### **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.**

Nicola Irvine

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**Legal Member/Chair**

**12 February 2026**

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**Date**

