



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/4067

Re: Property at 13 Inveraray Avenue, Glenrothes, Fife, KY7 4QN (“the Property”)

Parties:

Mr Hafiz Mohammad Mushtaq, 33 Cadham Centre, Glenrothes, Fife, KY7 6RU (“the Applicant”)

Mrs Margaret Milne, 13 Inveraray Avenue, Glenrothes, Fife, KY7 4QN (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) was made upon the respondent by Sheriff Officers on 27 January 2026.

The CMD took place by teleconference on 10 March 2026 at 2.00 pm. The applicant joined the hearing and was represented by Miss Olivia McGowan of Innes Johnston Solicitors. The respondent joined and represented her own interests.

Findings and Reasons

The property is 13 Inveraray Avenue, Glenrothes, Fife KY7 4QN. The applicant is Mr Hafiz Mohammad Mushtaq who is the heritable proprietor and registered landlord. The respondent is Mrs Margaret Milne who is the tenant. The parties entered into a

private residential tenancy in respect of the property which commenced on 27 August 2018.

The applicant relies upon ground 4 of schedule 3 to the 2016 Act. It is an eviction ground where the landlord intends to live in the let property. The notice period was one of 84 days. The notice to leave was served upon the respondent by email on 7 March 2025 and sufficient statutory notice was given.

The applicant purchased the let property in or around 2011 for use as his family's main residence. He lived there with his wife and children between 2011 and 2018 when they moved into the Fife Muslim Education Centre, Glenrothes where the applicant is employed within the mosque. On 10 February 2025 the applicant was advised that he required to vacate the mosque. Further, the applicant was required to pay rent at the mosque which was not required previously. The tribunal was satisfied based upon the unchallenged credible and reliable evidence that it is the applicant's intention to live in the let property with his family.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent is aware of the applicant's circumstances and has no opposition to the eviction application. She is keen to move given that there has been uncertainty for some time over her future housing. She lives with three of her children. The respondent has been in discussion with Fife Council for some time and has been advised that she requires an eviction order from the tribunal in order to secure alternative accommodation. A Section 11 Homelessness notice has been issued to the local authority. The respondent will be provided with alternate accommodation.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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.



10 March 2026

Legal Member/Chair

Date