



# Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

## PART 5

### TERMINATION

#### CHAPTER 3

##### TERMINATION AT LANDLORD'S INSTIGATION

###### *Restrictions on applying for eviction order*

#### **54 Restriction on applying during the notice period**

- (1) A landlord may not make an application to the First-tier Tribunal for an eviction order against a tenant using a copy of a notice to leave until the expiry of the relevant period in relation to that notice.
- (2) The relevant period in relation to a notice to leave—
  - (a) begins on the day the tenant receives the notice to leave from the landlord, and
  - (b) expires on the day falling—
    - (i) 28 days after it begins if subsection (3) applies,
    - (ii) 84 days after it begins if subsection (3) does not apply.
- (3) This subsection applies if—
  - (a) on the day the tenant receives the notice to leave, the tenant has been entitled to occupy the let property for not more than six months, or
  - (b) the only eviction ground, or grounds, stated in the notice to leave is, or are, one or more of the following—
    - (i) that the tenant is not occupying the let property as the tenant's home,
    - (ii) that the tenant has failed to comply with an obligation under the tenancy,

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**Changes to legislation:** There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Cross Heading: Restrictions on applying for eviction order. (See end of Document for details)

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- (iii) that the tenant has been in rent arrears for three or more consecutive months,
  - (iv) that the tenant has a relevant conviction,
  - (v) that the tenant has engaged in relevant anti-social behaviour,
  - (vi) that the tenant associates in the let property with a person who has a relevant conviction or has engaged in relevant anti-social behaviour.
- (4) The reference in subsection (1) to using a copy of a notice to leave in making an application means using it to satisfy the requirement under section 52(3).

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**Modifications etc. (not altering text)**

- C1** S. 54(3)(b) modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 2 para. 4\(1\)\(2\)](#) (with ss. 6, 7, 8) (as amended: (1.4.2023) by [S.S.I. 2023/82](#), regs. 1(3), [2\(2\)](#)); and (27.9.2023) by [S.S.I. 2023/275](#), regs. 1(2), [2\(2\)](#))

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**Commencement Information**

- I1** S. 54 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

## 55 Restriction on applying 6 months after the notice period expires

- (1) A landlord may not make an application to the First-tier Tribunal for an eviction order against a tenant using a copy of a notice to leave more than six months after the day on which the relevant period in relation to that notice expired.
- (2) In subsection (1), “the relevant period” has the meaning given in section 54(2).
- (3) The reference in subsection (1) to using a copy of a notice to leave in making an application means using it to satisfy the requirement under section 52(3).

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**Commencement Information**

- I2** S. 55 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

## 56 Restriction on applying without notifying local authority

- (1) A landlord may not make an application to the First-tier Tribunal for an eviction order against a tenant unless the landlord has given notice of the landlord's intention to do so to the local authority in whose area the let property is situated.
- (2) Notice under subsection (1) is to be given in the manner and form prescribed under section 11(3) of the Homelessness etc. (Scotland) Act 2003.
- (3) In a case where two or more persons jointly are the landlord under a tenancy, references in subsection (1) to the landlord are to any one of those persons.

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**Commencement Information**

- I3** S. 56 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Cross Heading: Restrictions on applying for eviction order.