

## SCHEDULE 3 EVICTION GROUNDS

### PART 3

#### TENANT'S CONDUCT

##### *Not occupying let property*

- 10 (1) It is an eviction ground that the tenant is not occupying the let property as the tenant's home.
- (2) The First-tier Tribunal must find that the ground named by sub-paragraph (1) applies if—
- (a) the let property is not being occupied as the only or principal home of—
    - (i) the tenant, or
    - (ii) a person to whom a sub-tenancy of the let property has been lawfully granted, and
  - (b) the property's not being so occupied is not attributable to a breach of the landlord's duties under Chapter 4 of Part 1 of the Housing (Scotland) Act 2006.
- (3) In sub-paragraph (2), the reference to a sub-tenancy being lawfully granted is to be construed in accordance with section 46(3).