

### SCHEDULE 3 EVICTION GROUNDS

#### PART 4

#### LEGAL IMPEDIMENT TO LET CONTINUING

##### *Landlord has ceased to be registered*

- 16 (1) It is an eviction ground that the landlord is not registered by the relevant local authority under the Antisocial Behaviour etc. (Scotland) Act 2004 (“the 2004 Act”).
- (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
- (a) the landlord is not entered in the register prepared and maintained for the purposes of Part 8 of the 2004 Act by the local authority within whose area the let property is situated because either—
    - (i) the local authority has refused to enter the landlord in the register, or
    - (ii) the local authority has removed the landlord from the register in accordance with section 88(8) or 89 of the 2004 Act,
  - (b) by continuing to let the property to the tenant the landlord—
    - (i) is committing an offence under subsection (1) of section 93 of the 2004 Act, or
    - (ii) would be doing so but for subsection (6) of that section, and
  - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

##### *HMO licence has been revoked*

- 17 (1) It is an eviction ground that the let property or associated living accommodation is in multiple occupation and not licensed under Part 5 of the Housing (Scotland) Act 2006 (“the 2006 Act”).
- (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
- (a) under section 139(1) or 157(2) of the 2006 Act, the HMO licence for the let property has been revoked, and
  - (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.

##### *Overcrowding statutory notice*

- 18 (1) It is an eviction ground that an overcrowding statutory notice has been served on the landlord.
- (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
- (a) an overcrowding statutory notice in respect of the let property has been served on the landlord under section 17(3) of the Private Rented Housing (Scotland) Act 2011, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.