



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,

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 54. (See end of Document for details)

- (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).

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\(2\)](#))

Commencement Information

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

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