

PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016

EXPLANATORY NOTES

STRUCTURE AND SUMMARY OF THE ACT

Part 5 – Termination

Chapter 3 – Termination at landlord’s instigation

Eviction order

80. **Section 51** provides a power for the Tribunal to issue an eviction order against a tenant when a landlord makes an application and the Tribunal finds that one of the eviction grounds named in schedule 3 applies. The Tribunal can only find that an eviction ground named in schedule 3 applies in the circumstances in which the schedule states that the Tribunal may or must find that the ground applies. The Tribunal cannot find that an eviction ground applies by considering only the name assigned to the ground by the first sub-paragraph of the relevant paragraph of schedule 3.
81. An eviction order brings a tenancy to an end on the date specified by the Tribunal in the order (section 51(4)).
82. **Section 52** makes provision about applying to the First-tier Tribunal for an eviction order, and how the Tribunal is to deal with applications.
83. Subsection (1) makes clear that any one of a number of joint landlords can apply for an eviction order.
84. Subsection (2) provides that the Tribunal will not consider an application for eviction if the landlord has not first fulfilled the requirements of sections 54 to 56 and also supplied a copy of a notice to leave with the application. But, subsection (4) goes on to give the Tribunal discretion to accept an application even although the requirement in section 54 has not been complied with.
85. Subsection (5) provides that the Tribunal cannot consider whether an eviction ground applies unless it has either been stated in the notice to leave as a ground under which the landlord is seeking eviction or, with the Tribunal’s permission, been included in the application to the Tribunal.
86. **Section 53** provides that in a case where a sub-tenant with a private residential tenancy would have had protection from eviction and become the tenant (see paragraph 73 above), the Tribunal can, if it considers it reasonable to do so, state in the eviction order that the sub-tenant’s protection is not to apply. In such cases, the Tribunal must offer the sub-tenant the opportunity to make representations to the Tribunal.