

# **PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016**

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## **EXPLANATORY NOTES**

### **STRUCTURE AND SUMMARY OF THE ACT**

#### **Part 6 – Death of the Tenant**

99. [Section 65](#) provides that a private residential tenancy comes to an end if a sole tenant dies and nobody inherits the tenancy under section 67, 68 or 69.
100. [Section 66](#) provides that a joint tenant's interest under a private residential tenancy ends on his or her death. The tenancy will continue for the remaining joint tenants.
101. [Section 67](#) provides that if a sole tenant dies, leaving behind a partner, the partner inherits the tenancy subject to certain conditions being met. The conditions are that (1) the deceased tenant did not inherit the tenancy, (2) before the tenant died the landlord was given notice in writing that the partner occupied the property, (3) the partner was living in the property as his or her only or principal home at the time of the tenant's death and, where the partner was not married or in a civil partnership with the tenant, that the partner had been occupying the property as the partner's only or principal home for at least the 12 months before the tenant's death (and as an occupant about whom written notice had been given to the landlord).
102. [Sections 68](#) and [69](#) give succession rights to family members and carers. Section 68 provides that on the tenant's death, a member of the tenant's family becomes the tenant if there is no partner to succeed to the tenancy. Section 69 provides that on the tenant's death, a resident carer becomes the tenant if there is no partner or family member to succeed to the tenancy. Both sections add further conditions that (1) the deceased tenant did not inherit the tenancy, (2) the family member or carer is at least 16 years of age, (3) before the tenant died the landlord was given notice in writing that the family member or carer occupied the property, (4) that person was living in the property as his or her only or principal home at the time of the tenant's death and had been doing so for at least the 12 months before the tenant's death (and as an occupant about whom written notice had been given to the landlord). For a carer to succeed, he or she must also have given up any previous home. Where there is more than one family member or carer who has a right to succeed to a tenancy, they will be given a joint tenancy.