



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 5

TERMINATION

CHAPTER 3

TERMINATION AT LANDLORD'S INSTIGATION

Eviction order

51 First-tier Tribunal's power to issue an eviction order

- (1) The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.
- (2) The provisions of schedule 3 stating the circumstances in which the Tribunal may ^{F1}... find that an eviction ground applies are exhaustive of the circumstances in which the Tribunal is entitled to find that the ground in question applies.
- (3) The Tribunal must state in an eviction order the eviction ground, or grounds, on the basis of which it is issuing the order.
- (4) An eviction order brings a tenancy which is a private residential tenancy to an end on the day specified by the Tribunal in the order.

Textual Amendments

- F1** Words in s. 51(2) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#) (asp 8), ss. 43(2), 59(1) (with s. 48(1))

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

Modifications etc. (not altering text)

- C1** S. 51 modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(asp 10\)](#), s. 13(1), [sch. 2 para. 1](#) (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. 51 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

52 Applications for eviction orders and consideration of them

- (1) In a case where two or more persons jointly are the landlord under a tenancy, an application for an eviction order may be made by any one of those persons.
- (2) The Tribunal is not to entertain an application for an eviction order if it is made in breach of—
 - (a) subsection (3), or
 - (b) any of sections 54 to 56 (but see subsection (4)).
- (3) An application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant.
- (4) Despite subsection (2)(b), the Tribunal may entertain an application made in breach of section 54 if the Tribunal considers that it is reasonable to do so.
- (5) The Tribunal may not consider whether an eviction ground applies unless it is a ground which—
 - (a) is stated in the notice to leave accompanying the landlord's application in accordance with subsection (3), or
 - (b) has been included with the Tribunal's permission in the landlord's application as a stated basis on which an eviction order is sought.

Commencement Information

- I2** S. 52 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

53 First-tier Tribunal's power to disapply protection for sub-tenants

- (1) This section applies in a case where a sub-tenant would become a tenant by virtue of section 46(2) were the First-tier Tribunal to issue an eviction order against the sub-tenant's landlord.
- (2) If the First-tier Tribunal considers it is reasonable to do so, it may state in an eviction order that section 46(2) is not to apply when the tenancy of the sub-tenant's landlord is brought to an end by the order.
- (3) The First-tier Tribunal may not include in an eviction order the statement mentioned in subsection (2) unless it has afforded the sub-tenant an opportunity to make representations.

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

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Commencement Information

I3 S. 53 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Cross Heading: Eviction order.