



# Private Housing (Tenancies) (Scotland) Act 2016 2016 asp 19

## PART 5

### TERMINATION

#### CHAPTER 3

##### TERMINATION AT LANDLORD'S INSTIGATION

###### *Wrongful termination*

#### **57 Wrongful termination by eviction order**

- (1) This section applies where a private residential tenancy has been brought to an end by an eviction order.
- (2) An application for a wrongful-termination order may be made to the First-tier Tribunal by a person who was, immediately before the tenancy ended, either the tenant or a joint tenant under the tenancy.
- (3) The Tribunal may make a wrongful-termination order if it finds that it was misled into issuing the eviction order by the person who was, immediately before the tenancy ended, the landlord under the tenancy.
- (4) In a case where two or more persons jointly were the landlord under the tenancy immediately before it ended, the reference to the landlord in subsection (3) is to any one of those persons.

#### **58 Wrongful termination without eviction order**

- (1) This section applies where a private residential tenancy has been brought to an end in accordance with section 50.

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*Status: This is the original version (as it was originally enacted).*

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- (2) An application for a wrongful-termination order may be made to the First-tier Tribunal by a person who was immediately before the tenancy ended either the tenant or a joint tenant under the tenancy (“the former tenant”).
- (3) The Tribunal may make a wrongful-termination order if it finds that the former tenant was misled into ceasing to occupy the let property by the person who was the landlord under the tenancy immediately before it was brought to an end.
- (4) In a case where two or more persons jointly were the landlord under the tenancy immediately before it ended, the reference to the landlord in subsection (3) is to any one of those persons.

## **59 Wrongful-termination order**

- (1) In this section and in sections 57, 58 and 60, “a wrongful-termination order” means an order requiring the person who was the landlord under the tenancy immediately before it ended to pay the person who made the application for the wrongful-termination order an amount not exceeding six months’ rent.
- (2) Subsection (3) applies where—
  - (a) the First-tier Tribunal intends to make a wrongful-termination order under section 57 or 58, and
  - (b) two or more persons jointly were the landlord under the tenancy in question immediately before it was brought to an end.
- (3) The Tribunal may make a wrongful-termination order—
  - (a) against all, some, or only one of the former joint landlords,
  - (b) stating that each person against whom the order is made is liable to pay a specified amount, but the cumulative total of each of the specified amounts must not exceed six months’ rent,
  - (c) stating that each person against whom the order is made is jointly and severally liable for the whole amount to be paid.
- (4) In subsections (1) and (3)(b), “rent” means—
  - (a) the amount that was payable in rent under the tenancy immediately before it ended, or
  - (b) in a case where two or more persons jointly were the tenant under the tenancy immediately before it ended, the amount mentioned in paragraph (a) divided by the number of persons who were at that time joint tenants under the tenancy.

## **60 Notice to local authority of wrongful-termination order**

- (1) When the First-tier Tribunal makes a wrongful-termination order against a person, the Tribunal must send a copy of it to any local authority with which the person is registered as a landlord.
- (2) For the purposes of subsection (1)—
  - (a) the reference to a person against whom a wrongful-termination order is made is a reference to the person who is liable to make a payment under the order,
  - (b) a person is registered as a landlord with a local authority if the person is entered in the register prepared and maintained by the local authority for the purposes of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.