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*Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Paragraph 9. (See end of Document for details)*

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## SCHEDULE 1 TENANCIES WHICH CANNOT BE PRIVATE RESIDENTIAL TENANCIES

### *Resident landlord*

- 9 (1) This paragraph applies to a tenancy if sub-paragraphs (2) and (3) apply to it.
- (2) This sub-paragraph applies to a tenancy if, from the time it was granted, a dwelling within the same building as the let property has been occupied as the only or principal home of a person who, at the time of occupying it, has the interest of the landlord under the tenancy.
- (3) This sub-paragraph applies to a tenancy if, at the time it was granted, there was an ordinary means of access—
- (a) through the let property to the dwelling occupied by the person who is, or is to be, the landlord, or
  - (b) through the dwelling occupied by the person who is, or is to be, the landlord to the let property (whether or not that access was available to the tenant as of right).
- (4) For the purpose of this paragraph, in determining whether a dwelling is occupied as the only or principal home of the person having the interest of the landlord, no account is to be taken of—
- (a) any period beginning with the date on which the interest of the landlord is transferred (other than on death) and ending—
    - (i) 28 days later, or
    - (ii) 6 months later if, within 28 days of the period beginning, the person to whom the interest is transferred notifies the tenant of the person's intention to occupy a dwelling within the same building as the let property,
  - (b) any period of up to 24 months beginning with the date of the person's death and ending with the person's interest in the tenancy being vested in another person (otherwise than as the person's executor).

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#### **Commencement Information**

**II** Sch. 1 para. 9 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

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