

*Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Cross Heading: Landlord intends to live in property. (See end of Document for details)*

## SCHEDULE 3 EVICTION GROUNDS

### PART 1

#### LET PROPERTY REQUIRED FOR ANOTHER PURPOSE

##### *Landlord intends to live in property*

- 4 (1) It is an eviction ground that the landlord intends to live in the let property.
- (2) The First-tier Tribunal [<sup>F1</sup>may] find that the ground named by sub-paragraph (1) applies if—
- [<sup>F2</sup>(a)] the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months [<sup>F3</sup>, and
- (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.]
- (3) References to the landlord in this paragraph—
- (a) in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,
- (b) in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.
- (4) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the landlord has that intention.

#### Textual Amendments

- F1** Word in sch. 3 para. 4(2) substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 43(3)(d)(i)**, 59(1) (with s. 48(1))
- F2** Words in sch. 3 para. 4(2) renumbered as sch. 3 para. 4(2)(a) (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 43(3)(d)(ii)**, 59(1) (with s. 48(1))
- F3** Sch. 3 para. 4(2)(b) and word inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 43(3)(d)(iii)**, 59(1) (with s. 48(1))

#### Commencement Information

- I1** Sch. 3 para. 4 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, **sch.**

##### *Landlord intends to live in property to alleviate financial hardship*

- [<sup>F4</sup>4A (1) It is an eviction ground that the landlord intends to live in the let property to alleviate financial hardship.
- (2) The First-tier Tribunal may find that the ground named by [sub-paragraph \(1\)](#) applies if—
- (a) the landlord—
- (i) is suffering financial hardship, and

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- (ii) intends to alleviate that hardship by occupying the let property as the landlord’s only or principal home for at least 3 months, and
  - (b) the Tribunal is satisfied that it is reasonable to issue an eviction order.
- (3) References to the landlord in this paragraph—
- (a) in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,
  - (b) in a case where the landlord holds the landlord’s interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.
- (4) Evidence tending to show that the landlord has the intention mentioned in [sub-paragraph \(2\)\(a\)\(ii\)](#) includes (for example)—
- (a) a letter of advice from an approved money advisor or a local authority debt advice service,
  - (b) a letter of advice from an independent financial advisor,
  - (c) a letter of advice from a chartered accountant,
  - (d) an affidavit stating that the landlord has that intention.]

#### Textual Amendments

- F4** [Sch. 3 para. 4A](#) treated as inserted (temp.) (28.10.2022) by virtue of [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(asp 10\)](#), s. 13(1), [sch. 2 para. 4\(1\)\(3\)\(b\)](#) (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\(2\)](#))

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