

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

## SCHEDULE 3 EVICTION GROUNDS

### PART 1

#### LET PROPERTY REQUIRED FOR ANOTHER PURPOSE

##### *Landlord intends to sell*

- 1 (1) It is an eviction ground that the landlord intends to sell the let property.
- (2) The First-tier Tribunal [<sup>F1</sup>may] find that the ground named by sub-paragraph (1) applies if the landlord—
- (a) is entitled to sell the let property, <sup>F2</sup>...
  - (b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it [<sup>F3</sup>, and
  - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.]
- (3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—
- (a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,
  - (b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

#### Textual Amendments

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- F2** Word in sch. 3 para. 1(2) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), ss.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

#### Commencement Information

- I1** Sch. 3 para. 1 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

##### *Landlord intends to sell property to alleviate financial hardship*

- [<sup>F4</sup>1A (1) It is an eviction ground that the landlord intends to sell 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 entitled to sell the let property,
    - (ii) is suffering financial hardship, and

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- (iii) intends to alleviate that hardship by selling the let property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and
  - (b) the Tribunal is satisfied that it is reasonable to issue an eviction order.
- (3) Evidence tending to show that the landlord has the intention mentioned in [sub-paragraph \(2\)\(a\)\(iii\)](#) 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) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,
  - (e) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market, and
  - (f) an affidavit stating that the landlord has that intention.]

#### Textual Amendments

- F4** [Sch. 3 para. 1A](#) 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\(1\)\(3\)\(a\)](#) (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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