

*Changes to legislation:* There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, PART 1. (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- F2** Word in sch. 3 para. 1(2) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\), ss. 43\(3\)\(a\)\(ii\), 59\(1\) \(with s. 48\(1\)\)](#)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\(2\)](#))

#### *Property to be sold by lender*

- 2 (1) It is an eviction ground that a lender intends to sell the let property.
- (2) The First-tier Tribunal [<sup>F5</sup>may] find that the ground named by sub-paragraph (1) applies if—
- (a) the let property is subject to a heritable security,
  - (b) the creditor under that security is entitled to sell the property, <sup>F6</sup>...
  - (c) the creditor requires the tenant to leave the property for the purpose of disposing of it with vacant possession [<sup>F7</sup>, and
  - (d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.]

#### Textual Amendments

- F5** Word in sch. 3 para. 2(2) substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), ss. [43\(3\)\(b\)\(i\)](#), 59(1) (with s. 48(1))
- F6** Word in sch. 3 para. 2(2) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), ss. [43\(3\)\(b\)\(ii\)](#), 59(1) (with s. 48(1))
- F7** Sch. 3 para. 2(2)(d) and word inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), ss. [43\(3\)\(b\)\(iii\)](#), 59(1) (with s. 48(1))

#### Commencement Information

- I2** Sch. 3 para. 2 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, [sch.](#)

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*Landlord intends to refurbish*

- 3 (1) It is an eviction ground that the landlord intends to carry out significantly disruptive works to, or in relation to, the let property.
- (2) The First-tier Tribunal [<sup>F8</sup>may] find that the eviction ground named by sub-paragraph (1) applies if—
- (a) the landlord intends to refurbish the let property (or any premises of which the let property forms part),
  - (b) the landlord is entitled to do so, <sup>F9</sup>...
  - (c) it would be impracticable for the tenant to continue to occupy the property given the nature of the refurbishment intended by the landlord [<sup>F10</sup>, and
  - (d) 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)(a) includes (for example)—
- (a) any planning permission which the intended refurbishment would require,
  - (b) a contract between the landlord and an architect or a builder which concerns the intended refurbishment.

**Textual Amendments**

- F8** Word in sch. 3 para. 3(2) substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\), ss. 43\(3\)\(c\)\(i\), 59\(1\)](#) (with s. 48(1))
- F9** Word in sch. 3 para. 3(2) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\), ss. 43\(3\)\(c\)\(ii\), 59\(1\)](#) (with s. 48(1))
- F10** Sch. 3 para. 3(2)(d) and word inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\), ss. 43\(3\)\(c\)\(iii\), 59\(1\)](#) (with s. 48(1))

**Commencement Information**

- I3** Sch. 3 para. 3 in force at 1.12.2017 by [S.S.I. 2017/346, reg. 2, sch.](#)

*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>F11</sup>may] find that the ground named by sub-paragraph (1) applies if—
- [<sup>F12</sup>(a)] the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months [<sup>F13</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.

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- (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

- F11** 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))
- F12** 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))
- F13** 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

- I4** 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>F14</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
    - (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

- F14** 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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*Family member intends to live in property*

- 5 (1) It is an eviction ground that a member of the landlord's family intends to live in the let property.
- (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
- (a) a member of the landlord's family intends to occupy the let property as that person'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 on account of that fact.
- (3) A member of the landlord's family is to be regarded as having the intention mentioned in sub-paragraph (2) if—
- (a) the family member is incapable of having, or expressing, that intention, and
  - (b) the landlord and (if different) a person entitled to make decisions about where the family member lives, intend that the family member will occupy the let property as the family member's only or principal home for at least 3 months.
- (4) For the purposes of this paragraph, a person is a member of the landlord's family if the person is—
- (a) in a qualifying relationship with the landlord,
  - (b) a qualifying relative of the landlord,
  - (c) a qualifying relative of a person who is in a qualifying relationship with the landlord, or
  - (d) in a qualifying relationship with a qualifying relative of the landlord.
- (5) For the purposes of sub-paragraph (4)—
- (a) two people are in a qualifying relationship with one another if they are—
    - (i) married to each other,
    - (ii) in a civil partnership with each other, or
    - (iii) living together as though they were married,
  - (b) “a qualifying relative” means a parent, grandparent, child, grandchild, brother or sister,
  - (c) a relationship of the half blood is to be regarded as a relationship of the whole blood,
  - (d) a person's stepchild is to be regarded as the person's child,
  - (e) a person (“A”) is to be regarded as the child of another person (“B”), if A is being or has been treated by B as B's child.
- (6) In a case where two or more persons jointly are the landlord under a tenancy, references to the landlord in this paragraph are to any one of them.
- (7) Evidence tending to show that a member of the landlord's family has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the person has that intention.

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**Commencement Information**

**I5** Sch. 3 para. 5 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

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*Landlord intends to use for non-residential purpose*

- 6 (1) It is an eviction ground that the landlord intends to use the let property for a purpose other than housing.
- (2) The First-tier Tribunal [<sup>F15</sup>may] find that the ground named by sub-paragraph (1) applies if—
- <sup>F16</sup>(a) the landlord intends to use the let property for a purpose other than providing a person with a home [<sup>F17</sup>, and
- (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.]
- (3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2) includes (for example) any planning permission which would be required if the let property is to be used for the intended purpose.

**Textual Amendments**

- F15** Word in sch. 3 para. 6(2) substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 43(3)(e)(i)**, 59(1) (with s. 48(1))
- F16** Words in sch. 3 para. 6(2) renumbered as sch. 3 para. 6(2)(a) (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 43(3)(e)(ii)**, 59(1) (with s. 48(1))
- F17** Sch. 3 para. 6(2)(b) and word inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 43(3)(e)(iii)**, 59(1) (with s. 48(1))

**Commencement Information**

- I6** Sch. 3 para. 6 in force at 1.12.2017 by [S.S.I. 2017/346](#), **reg. 2**, **sch.**

*Property required for religious purpose*

- 7 (1) It is an eviction ground that the let property is required for use in connection with the purposes of a religion.
- (2) The First-tier Tribunal [<sup>F18</sup>may] find that the ground named by sub-paragraph (1) applies if—
- (a) the let property is held for the purpose of being available for occupation by a person engaged in the work of a religious denomination as a residence from which the duties of such a person are to be performed,
- (b) the property has previously been occupied by a person engaged in the work of a religious denomination as a residence from which that person's duties were performed, <sup>F19</sup>...
- (c) the property is required for the purpose mentioned in paragraph (a) [<sup>F20</sup>, and
- (d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.]
- (3) In sub-paragraph (2), reference to a person engaged in the work of a religious denomination includes an imam, a lay missionary, minister, monk, nun, priest and rabbi.

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#### Textual Amendments

- F18** Word in sch. 3 para. 7(2) substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 43\(3\)\(f\)\(i\)](#), 59(1) (with s. 48(1))
- F19** Word in sch. 3 para. 7(2) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 43\(3\)\(f\)\(ii\)](#), 59(1) (with s. 48(1))
- F20** Sch. 3 para. 7(2)(d) and word inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 43\(3\)\(f\)\(iii\)](#), 59(1) (with s. 48(1))
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#### Commencement Information

- I7** Sch. 3 para. 7 in force at 1.12.2017 by [S.S.I. 2017/346](#), [reg. 2](#), [sch.](#)

**Changes to legislation:**

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