

*Changes to legislation:* There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Cross Heading: Not occupying let property. (See end of Document for details)

## SCHEDULE 3 EVICTION GROUNDS

### PART 3

#### TENANT'S CONDUCT

##### *Not occupying let property*

- 10 (1) It is an eviction ground that the tenant is not occupying the let property as the tenant's home.
- (2) The First-tier Tribunal [<sup>F1</sup>may] find that the ground named by sub-paragraph (1) applies if—
- (a) the let property is not being occupied as the only or principal home of—
    - (i) the tenant, or
    - (ii) a person to whom a sub-tenancy of the let property has been lawfully granted, <sup>F2</sup>...
  - (b) the property's not being so occupied is not attributable to a breach of the landlord's duties under Chapter 4 of Part 1 of the Housing (Scotland) Act 2006 [<sup>F3</sup>, and
  - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.]
- (3) In sub-paragraph (2), the reference to a sub-tenancy being lawfully granted is to be construed in accordance with section 46(3).

#### Textual Amendments

- F1** Word in sch. 3 para. 10(2) substituted (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), ss. 43(3)(h)(i), 59(1) (with s. 48(1))
- F2** Word in sch. 3 para. 10(2) repealed (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), ss. 43(3)(h)(ii), 59(1) (with s. 48(1))
- F3** Sch. 3 para. 10(2)(c) and word inserted (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), ss. 43(3)(h)(iii), 59(1) (with s. 48(1))

#### Commencement Information

- I1** Sch. 3 para. 10 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

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