



# Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

## PART 3

### TENANCY INFORMATION

#### *First-tier Tribunal's powers*

#### **14 Application to First-tier Tribunal to draw up terms**

- (1) The tenant under a private residential tenancy may (subject to subsection (3)) apply to the First-tier Tribunal asking it to draw up the terms of the tenancy under section 15 if the landlord—
  - (a) has a duty under section 10 to provide the tenant with a document which sets out all of the terms of the tenancy, and
  - (b) the landlord has not provided that document to the tenant.
- (2) Either the tenant or the landlord under a private residential tenancy may apply to the First-tier Tribunal asking it to draw up the terms of the tenancy under section 15 if the tenant or landlord thinks that the written terms of the tenancy purport to displace a statutory term in an unlawful manner.
- (3) The tenant may not make an application under subsection (1) unless the tenant has given the landlord notice of the tenant's intention to make the application and the notice period described in section 17 has expired.
- (4) For the purpose of subsection (2), written terms of a tenancy purport to displace a statutory term in an unlawful manner if—
  - (a) the statutory term is not included in the written terms of the tenancy but is a term of the tenancy because regulations under section 7(3)(a) do not provide otherwise, or
  - (b) the statutory term, as expressed in the written terms of the tenancy, bears to be subject to a modification which is not permitted by regulations under section 7(3)(b).

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*Status: This is the original version (as it was originally enacted).*

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- (5) In a case where two or more persons jointly are the tenant under a tenancy, references to the tenant in this section are to any one of those persons.
- (6) In a case where two or more persons jointly are the landlord under a tenancy, references to the landlord in this section are to any one of those persons.