



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 6

DEATH OF THE TENANT

67 Partner's entitlement to inherit

- (1) When the sole tenant under a private residential tenancy dies, the tenant's bereaved partner becomes the tenant under the tenancy if—
 - (a) the conditions set out in subsection (2) are met, and
 - (b) in a case where the tenant and bereaved partner were neither married to, nor in a civil partnership with, one another immediately before the tenant's death, the condition set out in subsection (3) is also met.
- (2) The conditions are—
 - (a) that the tenant's interest under the tenancy was not inherited by the tenant,
 - (b) that the tenant told the landlord, in writing, that the let property was being occupied by the bereaved partner as the bereaved partner's only or principal home,
 - (c) that the bereaved partner was in a qualifying relationship with the tenant immediately before the tenant's death, and
 - (d) that the let property is occupied as the bereaved partner's only or principal home at the time of the tenant's death.
- (3) The condition is that for a continuous period of at least 12 months, ending with the tenant's death, the let property was occupied as the bereaved partner's only or principal home.
- (4) In determining whether the condition set out in subsection (3) is met, no account is to be taken of any time during which the bereaved partner was occupying the let property if and so far as it pre-dates the tenant telling the landlord, in writing, that the let property was being occupied as the bereaved partner's only or principal home.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 67. (See end of Document for details)

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Commencement Information

II S. 67 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, **sch.**

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