



# Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

## PART 6

### DEATH OF THE TENANT

#### **68 Other family member's entitlement to inherit**

- (1) When—
  - (a) the sole tenant under a private residential tenancy dies,
  - (b) the tenant's interest under the tenancy was not inherited by the tenant, and
  - (c) nobody inherits the tenancy under section 67,any member of the tenant's family who meets the conditions set out in subsection (2) becomes the tenant under the tenancy.
- (2) The conditions are—
  - (a) that the family member is at least 16 years of age at the time of the tenant's death, and
  - (b) that the family member—
    - (i) is occupying the let property as the family member's only or principal home at the time of the tenant's death, and
    - (ii) has done so for a continuous period of at least 12 months ending with the tenant's death.
- (3) In determining whether the condition set out in subsection (2)(b)(ii) is met, no account is to be taken of any time during which the family member 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 family member's only or principal home.
- (4) If more than one person is eligible to become the tenant by virtue of subsection (1), each becomes the tenant under the tenancy jointly with the others.

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**Changes to legislation:** There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 68. (See end of Document for details)

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#### Commencement Information

**II** [S. 68](#) in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 68.