

SCHEDULE 1 EVICTION FROM DWELLING-HOUSES

Private residential tenancies: eviction grounds to be discretionary

- 1 (1) The Private Housing (Tenancies) (Scotland) Act 2016 applies, in relation to a notice to leave within the meaning of section 62 of that Act served on a tenant while this paragraph is in force, in accordance with the modifications in this paragraph.
- (2) Section 51(2) (First-tier Tribunal's power to issue an eviction order) has effect as if the words "or must" were repealed.
- (3) Schedule 3 (eviction grounds) has effect as if—
 - (a) in paragraph 1(2) (landlord intends to sell)—
 - (i) in the opening words, for the word "must" there were substituted "may",
 - (ii) after paragraph (a), the word "and" were repealed,
 - (iii) after paragraph (b) there were inserted ", and
 - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.",
 - (b) in paragraph 2(2) (property to be sold by lender)—
 - (i) in the opening words, for the word "must" there were substituted "may",
 - (ii) after paragraph (b), the word "and" were repealed,
 - (iii) after paragraph (c) there were inserted ", and
 - (d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.",
 - (c) in paragraph 3(2) (landlord intends to refurbish)—
 - (i) in the opening words, for the word "must" there were substituted "may",
 - (ii) after paragraph (b), the word "and" were repealed,
 - (iii) after paragraph (c) there were inserted ", and
 - (d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.",
 - (d) in paragraph 4(2) (landlord intends to live in property)—
 - (i) for the word "must" there were substituted "may",
 - (ii) the words from "the landlord" to "3 months" were paragraph (a),
 - (iii) after paragraph (a) there were inserted ", and
 - (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.",
 - (e) in paragraph 6(2) (landlord intends to use for non-residential purpose)—
 - (i) for the word "must" there were substituted "may",
 - (ii) the words from "the landlord" to "home" were paragraph (a),
 - (iii) after paragraph (a) there were inserted ", and
 - (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.",
 - (f) in paragraph 7(2) (property required for religious purpose)—
 - (i) in the opening words, for the word "must" there were substituted "may",

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

- (ii) after paragraph (b) the word “and” were repealed,
 - (iii) after paragraph (c) there were inserted “, and
 - (d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
- (g) in paragraph 8 (not an employee)—
 - (i) in the opening words of sub-paragraph (2), for the word “must” there were substituted “may”,
 - (ii) for paragraph (c) there were substituted—
 - “(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
 - (iii) sub-paragraph (3) were repealed,
 - (iv) in sub-paragraph (4), for the words “sub-paragraphs (2) and (3)” there were substituted “sub-paragraph (2)”,
- (h) in paragraph 10(2) (not occupying let property)—
 - (i) in the opening words, for the word “must” there were substituted “may”,
 - (ii) after paragraph (a), the word “and” were repealed,
 - (iii) after paragraph (b) there were inserted “, and
 - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
- (i) in paragraph 12 (rent arrears), sub-paragraph (2) were repealed,
- (j) in paragraph 13(2) (criminal behaviour)—
 - (i) in the opening words, for the word “must” there were substituted “may”,
 - (ii) after paragraph (a), the word “and” were repealed,
 - (iii) after paragraph (b) there were inserted “, and
 - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”.