

SCHEDULES

SCHEDULE 2

GROUND FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO PROTECTED OR STATUTORY TENANCIES

PART I

[^{F1}CERTAIN CASES IN WHICH FIRST-TIER TRIBUNAL MAY ORDER POSSESSION]

Textual Amendments

- F1** Sch. 2 Pt. 1 heading substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#) (asp 8), ss. 45(5)(a), 59(1)

Case 1

Where any rent lawfully due from the tenant has not been paid, or any obligation of the protected or statutory tenancy which arises under this Act, or—

- (a) in the case of a protected tenancy, any other obligation of the tenancy, in so far as it is consistent with the provisions of Part II of this Act, or
- (b) in the case of a statutory tenancy, any other obligation of the previous protected tenancy which is applicable to the statutory tenancy,

has been broken or not performed.

In determining whether any rent lawfully due from a tenant has been paid in any case where the rent is payable in advance, any sums paid by the tenant in satisfaction of a decree or decrees for rent and expenses shall, if the action in which any such decree was obtained was raised before the expiry of the period in respect of which the rent sued for was due, be imputed wholly to rent and not to expenses.

Case 2

Where the tenant or any person residing or lodging with him or any sub-tenant of his has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the dwelling-house or allowing the dwelling-house to be used for immoral or illegal purposes.

Case 3

Where the condition of the dwelling-house has, in the opinion of the [^{F2}First-tier Tribunal], deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, where the [^{F2}First-

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tier Tribunal] is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Textual Amendments

- F2** Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330](#), art. 3, sch.

Case 4

Where the condition of any furniture provided for use under the tenancy has, in the opinion of the [^{F3}First-tier Tribunal], deteriorated owing to ill-treatment by the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his, where the [^{F3}First-tier Tribunal] is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Textual Amendments

- F3** Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330](#), art. 3, sch.

Case 5

Where the tenant has given notice to quit and, in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as the result of which he would, in the opinion of the [^{F4}First-tier Tribunal], be seriously prejudiced if he could not obtain possession.

Textual Amendments

- F4** Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330](#), art. 3, sch.

Case 6

Where, without the consent of the landlord, the tenant has, at any time after 8th December 1965 or, in the case of a regulated furnished tenancy, after 14th August 1974 or, in the case of a tenancy which became a regulated tenancy by virtue of section 4(3) above, after 30th November 1980, assigned or sub-let the whole of the dwelling-house or sub-let part of the dwelling-house the remainder already being sub-let.

Case 7

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for some person engaged in his whole-time employment, or in the whole-time employment of some tenant from him or with whom, conditional on housing accommodation being provided, a contract for such employment has been entered into, and ^{F5}...

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(a) the tenant was in the employment of the landlord or a former landlord, and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment;^{F6} ...

^{F6}(b)

Textual Amendments

- F5** Word in sch. 2 Pt. I Case 7 repealed (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 2 para. 3\(a\)](#); S.S.I. 2014/264, art. 2, sch. (with art. 6)
- F6** Words in sch. 2 Pt. I Case 7 repealed (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 2 para. 3\(b\)](#); S.S.I. 2014/264, art. 2, sch. (with art. 6)

Case 8

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for—

- (a) himself, or
- (b) any son or daughter of his over 18 years of age, or
- (c) his father or mother, or
- (d) if the dwelling-house is let on or subject to a regulated tenancy, the father or mother of his wife or husband,

and the landlord did not become landlord by purchasing the dwelling-house or any interest therein after 23rd March 1965 or, in the case of a dwelling-house subject to a regulated furnished tenancy, after 24th May 1974 or, if the dwelling-house was on 7th November 1956 let on or subject to a controlled tenancy, after 7th November 1956.

Case 9

Where the [^{F7}First-tier Tribunal] is satisfied that the rent charged by the tenant—

- (a) for any sub-let part of the dwelling-house which is a dwelling-house let on a protected tenancy or subject to a statutory tenancy is or was in excess of the maximum rent for the time being recoverable for that part, having regard to the provisions of Part IV of this Act, or
- (b) for any sub-let part of the dwelling-house which is subject to a contract to which Part VII of this Act applies is or was in excess of the maximum (if any) which it is lawful for the lessor, within the meaning of that Part, to require or receive having regard to the provisions of that Part.

Textual Amendments

- F7** Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 31\(a\)](#); S.S.I. 2017/330, art. 3, sch.

Case 10

Where the dwelling-house is so overcrowded as to be dangerous or injurious to the health of the inmates, and the [^{F8}First-tier Tribunal] is satisfied that the overcrowding could have been abated

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by the removal of any lodger or sub-tenant (not being a parent or child of the tenant) whom it would, having regard to all the circumstances of the case, including the question whether other accommodation is available for him, have been reasonable to remove, and that the tenant has not taken such steps as he ought reasonably to have taken for his removal.

Textual Amendments

F8 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330](#), art. 3, sch.

Changes to legislation:

There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Part I.