



# Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

## PART 5

### TERMINATION

#### CHAPTER 2

##### TERMINATION BY TENANT

#### **48 Tenant's ability to bring tenancy to an end**

- (1) A tenant may bring to an end a tenancy which is a private residential tenancy by giving the landlord a notice which fulfils the requirements described in section 49.
- (2) A tenancy comes to an end in accordance with subsection (1) on the day on which the notice states (in whatever terms) that it is to come to an end.
- (3) But a tenancy does not come to an end in accordance with subsection (1) if—
  - (a) before the day mentioned in subsection (2), the tenant makes a request to the landlord to continue the tenancy after that day, and
  - (b) the landlord agrees to the request.
- (4) In subsections (1) and (3), in a case where two or more persons jointly are the landlord under the tenancy, references to the landlord are to any of those persons.

#### **49 Requirements for notice to be given by tenant**

- (1) A notice fulfils the requirements referred to in section 48(1) if—
  - (a) it is given—
    - (i) freely and without coercion of any kind,
    - (ii) after the tenant begins occupying the let property,
  - (b) it is in writing, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) it states as the day on which the tenancy is to end a day that is after the last day of the minimum notice period.
- (2) A notice is to be regarded as fulfilling the requirements referred to in section 48(1), despite its not complying with the requirement described by subsection (1)(c), if the landlord agrees in writing to the tenancy ending on the day stated in the notice.
- (3) In subsection (1)(c), “the minimum notice period” means a period which—
  - (a) begins on the day the notice is received by the landlord, and
  - (b) ends on the day falling—
    - (i) such number of days after it begins as the landlord and tenant have validly agreed between them, or
    - (ii) if there is no such valid agreement, 28 days after it begins.
- (4) An agreement as to the number of days after which a minimum notice period ends is invalid for the purpose of subsection (3)(b)(i) if the agreement—
  - (a) is not in writing, or
  - (b) was entered into before the tenancy became a private residential tenancy.
- (5) In a case where two or more persons jointly are the landlord under the tenancy, references in this section to the landlord are to any one of those persons.