

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Cross Heading: Family member intends to live in property. (See end of Document for details)

SCHEDULE 3 **S** EVICTION GROUNDS

PART 1 **S**

LET PROPERTY REQUIRED FOR ANOTHER PURPOSE

Family member intends to live in property

- 5 (1) It is an eviction ground that a member of the landlord's family intends to live in the let property.
- (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
- (a) a member of the landlord's family intends to occupy the let property as that person's only or principal home for at least 3 months, and
 - (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
- (3) A member of the landlord's family is to be regarded as having the intention mentioned in sub-paragraph (2) if—
- (a) the family member is incapable of having, or expressing, that intention, and
 - (b) the landlord and (if different) a person entitled to make decisions about where the family member lives, intend that the family member will occupy the let property as the family member's only or principal home for at least 3 months.
- (4) For the purposes of this paragraph, a person is a member of the landlord's family if the person is—
- (a) in a qualifying relationship with the landlord,
 - (b) a qualifying relative of the landlord,
 - (c) a qualifying relative of a person who is in a qualifying relationship with the landlord, or
 - (d) in a qualifying relationship with a qualifying relative of the landlord.
- (5) For the purposes of sub-paragraph (4)—
- (a) two people are in a qualifying relationship with one another if they are—
 - (i) married to each other,
 - (ii) in a civil partnership with each other, or
 - (iii) living together as though they were married,
 - (b) “a qualifying relative” means a parent, grandparent, child, grandchild, brother or sister,
 - (c) a relationship of the half blood is to be regarded as a relationship of the whole blood,
 - (d) a person's stepchild is to be regarded as the person's child,
 - (e) a person (“A”) is to be regarded as the child of another person (“B”), if A is being or has been treated by B as B's child.
- (6) In a case where two or more persons jointly are the landlord under a tenancy, references to the landlord in this paragraph are to any one of them.

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- (7) Evidence tending to show that a member of the landlord's family has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the person has that intention.

Commencement Information

II Sch. 3 para. 5 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

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