



# Housing (Scotland) Act 1988

## 1988 CHAPTER 43

### PART II

#### RENTED ACCOMMODATION

##### *Short assured tenancies*

### **33 Recovery of possession on termination of a short assured tenancy**

- (1) Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with sections 12 to 31 of this Act, the sheriff shall make an order for possession of the house if he is satisfied—
  - (a) that the short assured tenancy has reached its ish;
  - (b) that tacit relocation is not operating;
  - (c) that no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
  - (d) that the landlord (or, where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house.
- (2) The period of notice to be given under subsection (1)(d) above shall be—
  - (i) if the terms of the tenancy provide, in relation to such notice, for a period of more than two months, that period;
  - (ii) in any other case, two months.
- (3) A notice under paragraph (d) of subsection (1) above may be served before, at or after the termination of the tenancy to which it relates.
- (4) Where the sheriff makes an order for possession of a house by virtue of subsection (1) above, any statutory assured tenancy which has arisen as at that ish shall end (without further notice) on the day on which the order takes effect.