

Private Housing (Tenancies) (Scotland) Bill - Stage 2

This Briefing should be read in conjunction with the Briefing Note on the Bill as drafted ([H&C 12](#)) and the Briefing Note regarding stage 1 ([H&C 13](#)).

The Infrastructure and Capital Investment Committee met on Wednesday 10th February for stage 2 of the Private Housing (Tenancies) (Scotland) Bill. 198 amendments were lodged.

Noted below are the most significant outcomes of amendments lodged for members.

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| Amendments lodged which support the landlord's position were approved: |
| Regarding the ground in which a landlord can regain possession of a property if they intend to live in it as their home for at least 3 months, the term landlord now also includes beneficiaries of a trust. |
| Amendments lodged which support the tenant's position were approved: |
| Removal of the longer notice for tenant's who have been in occupation for over 6 months. The notice period from tenant to landlord will be 28 days in every case. |
| 'On the open market' was added to the 'landlord intends to sell' ground for repossession. |
| Amended wording for the mandatory rent review ground whereby the tribunal <u>must</u> find the rent arrears ground met if at the beginning of the day on which the Tribunal first considers the application for an eviction order on its merits, the tenant is in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy on that day, and has been in arrears (by any amount) for a continuous period, up to and including that day, of three or more consecutive months. |
| The tribunal still <u>may</u> find the rent arrears ground met if for three or more consecutive months the tenant has been in arrears and the tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order. |
| For both mandatory and discretionary parts the tribunal must be satisfied the failure to pay rent is not wholly or partly a consequence of a delay or failure in the payment of relevant benefit. |
| Removal of the initial period. A tenant can give notice any time after the lease has begun. The landlord can give notice any time after the lease has begun if a ground for eviction has been met. |
| Amendments lodged which support the landlord's position were not approved: |
| The introduction of a ground enabling repossession of a property in order to accommodate an employee or retired employee. |
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The ground regarding the tenant materially failing to meet a statutory term of the tenancy has been amended to be discretionary rather than mandatory.

The introduction of the ability for the tribunal to evict a tenant in any other reasonable circumstances other than those set out in the grounds.

Amendments lodged which support the tenant's position were not approved:

Widening the ability to refer agreed rent to the rent officer. Rent can only be referred to the rent officer at time of a rent review.

Independent advocacy for tenants going to the tribunal.

Tenant's hardship to be considered by the tribunal.

Amendments regarding the death of a tenant were withdrawn as the Scottish Government wants to consider succession in greater detail and will lodge amendment at stage 3.

Stage 3, the final stage, of the Bill process will take place in mid-March. There is a further opportunity at this stage for amendments to be lodged.

We are grateful to all members who wrote to the committee and their local MSPs prior to stage 2 and encourage all members to continue to raise their concerns about the impact of the Bill.

The stage 2 debate can be found on Parliament TV [here](#).

The transcript from the stage 2 debate will be available on the Scottish Parliament website in due course.

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