

CORONAVIRUS:

TENANTS' RIGHTS IN THE PRIVATE SECTOR

THE CORONAVIRUS (SCOTLAND) ACT 2020 HAS INCREASED PROTECTION FOR PRIVATE TENANTS. THIS SUMMARISES THE CHANGES TO THE EVICTION PROCEDURE FOR BOTH ASSURED/SHORT ASSURED TENANCIES AND PRIVATE RESIDENTIAL TENANCIES.

RENT ARREARS

IF YOU HAVE DIFFICULTY PAYING YOUR RENT...

- If you have a **Private Residential Tenancy**, your landlord must have given you **6 months' notice to leave** before making an application to the First-tier Tribunal.
- If you have an **Assured Tenancy**, your landlord must have given you **6 months' notice in Form AT6** before making an application to the First-Tier Tribunal.
- For either Tenancy, your landlord must obtain an **order from the First-tier Tribunal** before being allowed to evict you.
- The Tribunal will only grant an order for recovery of possession if it is **reasonable** to do so.
- If your rent has gone unpaid, you should **take advice** on your entitlement to welfare benefits. This is particularly important if you have had a recent **change in your circumstances**.
- If you can make a **proposal for repaying** any debt to your landlord, you could avoid any order being made against you by the Tribunal.

ANTISOCIAL BEHAVIOUR & CRIMINAL CONVICTIONS

IF YOUR LANDLORD ACCUSES YOU OF BEHAVING ANTISOCIALLY OR YOU HAVE BEEN CONVICTED OF A CRIMINAL OFFENCE...

- If you have a **Private Residential Tenancy**, your landlord must have given you **3 months' notice to leave** before making an application to the First-tier Tribunal.
- If you have an **Assured Tenancy**, your landlord must have given you **3 months' notice in Form AT6** before making an application to the First-Tier Tribunal.
- For either Tenancy, your landlord must obtain an **order from the First-tier Tribunal** before being allowed to evict you.
- The Tribunal will only grant an order for recovery of possession if it is **reasonable** to do so.
- If you have been accused of **antisocial behaviour**, your landlord must **prove** that this has occurred.
- You will have the **opportunity to dispute** this if you do not agree with the allegations.
- If satisfied that it has occurred or you have a criminal conviction, the Tribunal will take into account the **nature of this, the frequency** and **any relevant personal circumstances**.

SHORT ASSURED TENANCIES

NO MORE MANDATORY NO-FAULT TERMINATIONS...

- If you have a **Short Assured Tenancy**, your landlord must obtain an **order from the First-tier Tribunal** before being allowed to evict you.
- Your landlord must have given you **6 months' notice** that they require possession of the property along with a **Notice to Quit** containing certain information.
- The Tribunal will only make an order for recovery of possession if it is **reasonable** to do so.
- The Tribunal will take into account the **landlord's reasons** for terminating the tenancy as well as your **personal circumstances**.

OTHER EVICTION GROUNDS

IF YOUR LANDLORD TELLS YOU THEY WISH TO SELL THE RENTED PROPERTY OR THEY OR THEIR FAMILY WISH TO LIVE THERE...

PRIVATE RESIDENTIAL TENANCY

- Your landlord must have given you **6 months' notice to leave** before making an application to the First-tier Tribunal if they wish to **sell the property**.
- Your landlord must give you **3 months' notice** should they or a family member wish to **live** there.
- The landlord must provide **evidence of their intention**.

ASSURED TENANCY

- **Selling** the property is **not a legal ground** for an order under an Assured Tenancy.
- If they wish to **live in** the rented property, your landlord must give you **3 months' notice in Form AT6** before making an application to the First-Tier Tribunal. The landlord must have **previously lived at the property** before your tenancy began.

EITHER TENANCY

- Your landlord must obtain an **order from the First Tier Tribunal**.
- The Tribunal will only grant an order for recovery of possession if it is **reasonable** to do so.

There are a number of other grounds a landlord can use to try and obtain an eviction order. Many of these grounds are rare and not often used.

If you receive a notice containing any ground, it is important you take advice from a housing law specialist as soon as possible.

IT IS IMPORTANT TO TAKE ADVICE!

HELP IS AVAILABLE...

- You are entitled to have a lawyer **represent you** in proceedings relating to private tenancies.
- Straightforward **advice** regarding your situation can also be provided.
- Depending on your circumstances, **legal aid** may be available through the Scottish Legal Aid Board.
- Legal Services Agency has dedicated lawyers **specialising** in private tenancies.
- Please **contact** 0141 353 3354 to arrange a telephone appointment.
- **Email** us on mail@lsa.org.uk.

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