

Short SST's

ANTISOCIAL BEHAVIOUR (ASB)	Legislative Changes from 2014 Act	Policies to be reviewed
New ground for creation of a short Scottish Secure Tenancy (SSST) for antisocial behaviour - DISCRETIONARY		
<p>The new ground will:</p> <ul style="list-style-type: none"> allow a SSST to be given to a new or existing tenant if there has been ASB within previous three years; allow conversion of an existing SST to a SSST; and require that the notice served to the tenant, where no Antisocial Behaviour Order (ASBO) applies, must include the name of the person who has behaved in an antisocial manner, the actions of the tenant or other person which the landlord has taken into account, the landlord's reasons for serving the notice and an explanation of the tenant's right of appeal to a court. <p>No need for any criminal or other court proceedings as previously required (i.e. ASBO or eviction order in past 3 year period for ASB)</p> <p>This applies where a tenant or person associated with the tenant has, within the period of three years preceding the date of service of the notice, acted in an antisocial manner, pursued a course of conduct amounting to harassment or a course of conduct which is otherwise antisocial in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality.</p>	<p>Section 7(2) of the 2014 Act substitutes a new subsection (2) in section 35 of the 2001 Act. New section 35(2) extends the circumstances in which a landlord may serve a notice on a tenant under subsection (3)</p> <p>Section 7(2) also amends section 35(3) of the 2001 Act in relation to the information required in the notice</p> <p>Subsection 7(3) makes a consequential amendment to section 37(1) (conversion to a SST) of the 2001 Act.</p>	<p>ASB ✓ SSST ✓</p>
Term of SSST for antisocial behaviour - MANDATORY		
<p>SSSTs granted on the grounds of antisocial behaviour or a previous eviction or ASBO, a minimum term of 12 months. At the end of the 12 month term, the tenancy cannot continue as a SSST on the same terms and conditions, unless the landlord has served a notice of proceedings (which will extend the SSST to 18 months). After this period, the SSST will automatically convert to a SST (unless the social landlord has taken steps to extend the SSST by a</p>	<p>Section 9(1) amends section 34 of the 2001 Act</p> <p>Subsection (3) inserts new subsection (5) and (6) into section 37 of the 2001 Act</p>	<p>ASB ✓ SSST ✓</p>

further six months or to seek repossession of the tenancy) on the term which applied before the tenancy became a SSST.		
Extension of term of SSST for antisocial behaviour - MANDATORY		
<p>Provided that the term of a SSST granted on antisocial behaviour or previous eviction grounds may be extended by a further period of six months from the date which would otherwise be the expiry day of that tenancy. Tenants must have been given two months' notice of the extension (including the reasons for the extension) and must be being given housing support services. An extension may be required because the tenant requires support for a further period in order for the tenant to be able to sustain a Scottish secure tenancy.</p>	<p>Section 10 inserts new section 35A in the 2001 Act</p> <p>Subsection (2) makes consequential amendments to section 37 of the 2001 Act</p>	<p>ASB ✓ SSST ✓</p>
Recovery of possession of a SSST for antisocial behaviour - MANDATORY		
<p>Provides that proceedings for recovery of possession may not be raised, in the case of SSSTs created on antisocial behaviour or previous eviction grounds, unless the landlord considers that any obligation of the tenancy has been broken. Landlords of such tenancies are required to give tenants reasons why they are seeking recovery of possession of the tenancy including the obligations the landlord considers have been broken. This section also gives tenants a right to request that their landlord review the decision to seek recovery of possession before the case goes to court.</p> <p>Scottish Ministers will have powers through regulations to make provisions about the procedure to be followed in such reviews. The court must make an order for recovery of possession of the tenancy where the tenancy has reached the end of its 12-month term (or, in a case where an extension applies, the 18-month term applicable to it) and the landlord considers that an obligation of the tenancy has been broken. The procedure for recovery of possession (with respect to the serving of the notice for recovery of possession) under Scottish secure tenancies will also be used with SSSTs so long as the tenant has been given four weeks' notice prior to the landlord raising proceedings for recovery of possession.</p>	<p>Section 11 amends section 36 of the 2001 Act. Section 11(a) inserts a new subparagraph (aa) in section 36(2)</p> <p>Section 11(b) inserts a new subparagraph (aa) into section 36(3)</p> <p>New subsection (4A).</p> <p>Section 11(d) provides that, in cases where section 36(2)(aa)</p> <p>Section 11(f) inserts a new subsection (8) into section 36 of the 2001 Act</p>	<p>SSST ✓</p>

SSST for homeowners where the house is to be let on a temporary basis to a person who owns property for development work/installations to be carried out.	2001 Act	
Making use of full SST procedures for possession		
Landlords use Section 14 process to seek eviction during term of tenancy using any of the grounds in Part 1 Schedule 2. Notice of recovery of possession must set out date not earlier than 4 weeks from date of service of notice on or after which the landlord can raise proceedings. New statutory form of notice required.		SSST ✓ Evictions ✓

SST's

Streamlined eviction for criminal conviction - MANDATORY		
<p>A new process has been introduced for the use of an existing ground under Schedule 2 of the 2001 Act. Ground 2 states: The tenant (or any one of joint tenants), a person residing or lodging in the house with, or subtenant of the tenant has been convicted of:</p> <ul style="list-style-type: none"> • using the house or allowing it to be used for immoral or illegal purposes; or • an offence punishable by imprisonment committed in, or in the locality of, the house. <p>Where a court has already convicted a tenant of an offence punishable by imprisonment*, committed in, or in the locality of, the house, within the previous 12 months, the landlord only needs to provide factual evidence regarding the actual conviction to satisfy the ground and will no longer need to prove the eviction is 'reasonable'. The landlord will still need to consider many various factors including if the eviction is necessary and proportionate to include balancing the tenant's rights against those of the household and wider community.</p> <p>The tenant will retain the right to challenge the court action.</p>	<p>Section 16 of the 2014 Act.</p> <p>Subsection (2) inserts paragraph (aa) in section 16(2) of the 2001 Act</p>	<p>Evictions ✓ ASB ✓</p>

* NOTE – although punishable by imprisonment, service of a prison sentence is not necessary for this ground to be used.		
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