



Real Estate:Scotland

Response to the Ending Student Tenancies in PBSA Consultation

About this response

Real Estate:Scotland (RES) and Real Estate:UK Student Living welcomes the opportunity to respond to the Scottish Government's consultation on the circumstances and process by which students may end tenancies in purpose-built student accommodation (PBSA), under section 45 of the Housing (Scotland) Act 2025.

Real Estate:Scotland represents the real estate industry in Scotland, including PBSA operators, investors, developers and their professional advisers. This response draws on a meeting of the RES PBSA Working Group held on 21 September 2026 and reflects the views of our members. We are happy for this response to be published.

This response has been drafted in collaboration with Real Estate:UK Student Living, which represents the businesses that invest in, develop and manage purpose-built student accommodation (PBSA) across the UK. Real Estate:UK Student Living works with government and partners across housing and higher education to champion the role of high-quality student accommodation in increasing housing supply, enabling access to education and skills, supporting student success and driving economic growth.

Summary of our position

We broadly support a narrow, prescribed list of circumstances in which a student may end a PBSA tenancy. We welcome the Government's recognition that a right to end a tenancy "for any or no reason" would undermine the PBSA business model and create voids which could lead to upward pressure on rents.

Most of the proposed circumstances reflect what responsible operators already do at their discretion.

Our main points are:

1. **The university or college should be the primary source of evidence-** Our members are not best placed to make decisions on a student's health, bereavement or personal circumstances. The decisive evidence should be the institution's confirmation that due to personal circumstances of this nature, a student's studies have ended or been suspended.
2. **Sensitive personal data should remain with those best placed to handle it-** Medical, bereavement, immigration and abuse-related evidence should be assessed by university welfare or support services, with the operator relying on their confirmation.
3. **Some circumstances would benefit from tighter definitions-** non-enrolment, suspension of studies, health grounds, "close family" bereavement and, in particular, the national emergency and cessation of teaching ground are open to differing interpretation.
4. **The national emergency and cessation of teaching ground should be clearly defined and substantially narrowed-** Such events affect operators and students alike, and the ground should reflect a fair balance between them.
5. **The timeline would benefit from clarity-** on when the 28-day period begins and how delays by third parties providing evidence will be handled.
6. **Challenges should follow an independent and consistent route-** that applies equally to institutional and private providers, is timely, and is proportionate in cost. We recommend the Scottish Government recognises and adopts the established Accreditation Network UK (ANUK) and National Code framework in Scotland, with appropriate amendment for Scottish jurisdictional purposes.

7. **We encourage the Government to consider what happens after a tenancy ends mid-year**, including flexibility for operators to re-let vacated rooms and monitoring of void rates and rent impacts.
8. **We support a regulatory approach to ending a PBSA tenancy which is broadly consistent with best industry practice across the UK**, which will help ensure that new student housing, and broader investment in the sector, continues to be delivered in Scotland.

Responses to the consultation questions

Question 1: We have set out some possible circumstances under which notice to end a tenancy could be made. Do you agree with these circumstances?

Answer: Yes, with qualifications.

We recognise that the proposed circumstances were developed with industry input, and they broadly reflect current good practice. Our members, and the universities they work with, are generally comfortable with the range proposed. Several categories would, however, benefit from more precise wording. Clear, objective definitions set out in the regulations themselves, rather than in guidance, would support consistent application across providers and give students and operators greater certainty. We have expanded on our concerns on specific circumstances below:

1. **No longer enrolled** - We would welcome the regulations distinguishing between:
 - withdrawal or termination initiated by the institution (for example, for non-attendance or academic progress), or a transfer or withdrawal for a reason confirmed by the institution; and
 - a decision by the student to withdraw where no supporting reason is given.

We suggest that the second case should not, on its own, give rise to the right to end the tenancy. Clarifying this terminology would help ensure the right to early termination of tenancy operates as intended and maintains the mutual commitment that underpins a fixed-term student tenancy.

- 2. Suspension of studies** - The consultation does not specify whether a suspension (or interruption) of studies falls within "no longer enrolled". Our members regularly see suspensions of three to six months. We would welcome the regulations stating explicitly whether suspension is included. If it is, we suggest it should apply only where the institution confirms a suspension for a defined minimum period.
- 3. Health issues requiring a return to the family home, hospitalisation or rehabilitation** - we fully support students being able to return home when their health requires it. Our members have, however, encountered a growing number of cases where supporting documentation has been difficult to verify, including documents that appear to have been generated using AI tools. Operators are not in a position to assess medical evidence, and it would not be appropriate for them to do so. We therefore suggest that the decisive test should be the institution's confirmation that the health issue has led the student to suspend or end their studies (see Question 2).
- 4. Close family bereavement** - We would welcome a definition of "close family". Without one, operators may be asked to judge the closeness of a student's relationship with the person who has died, which would be both difficult and inappropriate. The university, which knows the student and supports them through their circumstances, is best placed to lead on confirming this ground.
- 5. National emergency or incident leading to cessation of teaching** - we ask that this ground is clearly defined and substantially narrowed. During the COVID-19 pandemic, many PBSA providers took voluntary steps to

support students, and that experience was more nuanced than a single generic description can capture. A national emergency affects operators and students alike, and the ground should reflect a fair balance between them. The "cessation of teaching" element is particularly broad: industrial action at Scottish universities can last from a few days to several months, and continuity of teaching rests with the institution rather than the accommodation provider. If retained, we suggest the ground should apply only where:

- teaching has ceased for a defined minimum period;
- the institution has had the opportunity to put alternative teaching arrangements in place or make up lost time, and confirms that it cannot; and
- the student cannot reasonably continue their course while living in the accommodation.

6. Serious risk to health or safety, including gender-based violence or domestic abuse - we strongly support this ground. These are highly sensitive situations, and the priority must be the safety and wellbeing of the student. We would ask the Government to consider whether, where safe and appropriate and with the student's agreement, an operator may first offer suitable alternative accommodation in another building, removing the student from harm while maintaining their housing. Where this is not possible or not wanted, the tenancy should end. In cases of domestic abuse, our members' experience is that police involvement provides a clear basis on which to act. Given the sensitivity of these cases, we suggest that a police incident number or confirmation from a recognised support service should be sufficient, and that students should not be required to evidence their situation directly to their landlord.

7. Revocation of visa- We agree. This is a clear, factual matter evidenced by Home Office documentation.

Question 2: Evidence to support applications to end a tenancy will usually be required for each possible circumstance. For each circumstance, what evidence do you consider would be appropriate.

We suggest that three principles should apply to all evidence:

1. **The institution's confirmation as the key evidence.** For health, bereavement and non-enrolment, the question for the operator is whether the university or college confirms that the student's studies have ended or been suspended because of the circumstance. This avoids operators having to make judgements about a student's health or personal life, or to weigh different medical certificates against one another.
2. **Data minimisation.** Operators should not need to receive death certificates, medical records or evidence relating to abuse. Sensitive evidence is best held by university welfare or support services, with the operator receiving a confirmation on which it can rely. This is consistent with UK GDPR requirements for special category data and avoids students having to disclose difficult personal information more than once.
3. **National consistency.** A single baseline standard of evidence for each circumstance, set out in the regulations, would ensure students receive consistent outcomes regardless of their provider.

We would encourage the Government to work with Universities Scotland and Colleges Scotland so that institutions are prepared to provide confirmations promptly and in a standard format.

Circumstance	Evidence the operator receives	Who assesses the underlying evidence
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Close family bereavement	Institution's confirmation that studies have ended or been suspended due to bereavement	University or college welfare or support services
Health: return home, hospitalisation or rehabilitation	Institution's confirmation that studies have ended or been suspended on health grounds	University or college, on the basis of a GP or consultant letter
No longer enrolled	Institution's confirmation of withdrawal, termination, transfer, or suspension for the minimum period, and the reason category	University or college registry
Serious risk to health or safety	Police reference or report, or confirmation from a recognised support service or the institution	Police, recognised support services, or university
Visa revoked	Home Office curtailment or revocation letter	Not required: a matter of fact
National emergency or cessation of teaching (if retained)	Institution's confirmation that teaching has ceased for the minimum period with no alternative arrangements	University or college

Question 3: We have proposed a notice period of 28 days for ending a student residential tenancy, with the possible extension of up to a further

20 days to request further evidence or information. Do you agree with this process?

Answer: Yes, in principle, subject to clarification.

We welcome the extension mechanism, which responds to concerns raised by the sector that 28 days alone may not allow sufficient time to obtain and verify evidence. We would welcome clarity on the following points:

- **When the period begins.** The process should make clear whether the 28 days runs from the initial notice or from receipt of complete evidence. Our preference is for the end date to be calculated from the point at which complete evidence is provided, giving both parties a clear and certain timeline.
- **Third-party delays.** Where the institution, a medical professional or the police are unable to provide evidence within the timescale, the regulations should set out what happens. An open-ended extension could create uncertainty for both parties, while a fixed cut-off could disadvantage a student with a genuine case through no fault of their own.
- **Withdrawn notices.** We understand that a notice treated as 'withdrawn' returns the parties to the original tenancy. It would be helpful for the regulations to confirm whether, and when, a fresh notice may be served on the same grounds.
- **Monitoring.** We would encourage the Government to commit to collecting data on the use of the right, void rates and rent impacts following implementation, working with operators and institutions.

Question 4: What do you think would be a fair process for challenging any refusal of a request to end a student residential tenancy?

RES agrees that a statutory right should be accompanied by a fair means of challenge. That process should be independent of the operator and consistent across institutional and private providers, whose existing complaints procedures differ, as the consultation notes.

Our members' preferred route is independent review under the ANUK National Code framework. Requests to end a tenancy often involve sensitive matters such as a student's health, bereavement or safety, and operators are understandably cautious about acting as the final decision-maker. An independent reviewer would provide reassurance to students and operators alike, and apply the same standard to every provider.

RES recommends that the Scottish Government adopts Accreditation Network UK (ANUK) and the National Code as the established framework for PBSA in Scotland, amending as required to reflect Scottish jurisdictional / regulatory requirements. Following the Renters' Rights Act in England, the revised National Code and its membership criteria now form an important part of the framework for PBSA providers which would provide an established basis for how the process of challenges could be adopted in Scotland. Many providers operating in Scotland also operate across the rest of the UK and already work within the ANUK/National Code framework. Adopting this established approach would support greater consistency for providers and students, while avoiding the need for the Scottish Government to establish and administer an entirely new body or framework. We consider this a simpler and more pragmatic solution.

The role of the First-tier Tribunal. The First-tier Tribunal for Scotland (Housing and Property Chamber) offers a provider-neutral statutory forum. We would welcome the Government's view on whether it could play a role, for example as a final stage following independent review. In considering this option, we would ask the Government to take account of the following:

- **Timescales.** The Tribunal is already managing a significant volume of private rented sector cases. A challenge lasting several months could extend across most of an academic year, creating uncertainty for the student about whether to remain and pay rent, and for the operator about whether to hold the room vacant.

Commented [AD1]: FTI comment - Where possible, the Scottish code's review process should be consistent with comparable codes elsewhere in the UK, so that students and operators can rely on a familiar, predictable standard for how requests are assessed and challenged

- **Cost.** Tribunal proceedings would involve legal costs for operators, many of whom have small legal teams. Clear rules on costs would help ensure the route is used proportionately.
- **Legislative change.** We understand that the Tribunal's jurisdiction may need to be amended, which could delay implementation.

Whichever route is chosen, the regulations should set out the status of the tenancy and rent liability while a challenge is ongoing.

Wider points and conclusion

What happens after a tenancy ends. The consultation does not address how operators may use a room vacated part-way through the academic year. Finding another student mid-year is often difficult, so the impact extends beyond the short-term loss of rent to the ability to secure any alternative occupancy. We would encourage the Government to consider flexibility on who may occupy vacated rooms, such as postgraduate, visiting or other short-term occupiers. Any such flexibility would need to take account of:

- planning conditions that restrict many PBSA buildings to student occupation; and
- council tax, where student exemptions may be lost if rooms are let on a non-student basis.

Conclusion. RES supports a fair and clearly defined right for students facing genuine difficulty to end their tenancy. Its success will depend on clear definitions, institution-led evidence that protects students' privacy, a workable timeline and an independent, proportionate challenge process. We would welcome further engagement with officials as the regulations and guidance are developed.