**Definition of Short-term Let**

Short-term let means the use of residential accommodation provided by a host in the course of business to a guest, where all of the following criteria are met:

1. The guest does not use the accommodation as their only or principal home;
2. The short-term let is entered into for commercial consideration;
3. The guest is not:
4. An immediate family member of the host
5. Sharing the accommodation with the host for the principal purpose of advancing the guest’s education as part of an arrangement made or approved by a school, college or further or higher educational institution, or
6. An owner or part-owner of the accommodation
7. The accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host’s household;
8. The accommodation is not excluded accommodation; and
9. The short-term let does not constitute an excluded tenancy.

**Excluded accommodation**

Excluded accommodation means accommodation which is, or is part of:

1. An aparthotel;
2. Premises in respect of which a Premises Licence within the meaning of section 17 of the Licensing (Scotland) Act 2005(6) has effect and where the provision of accommodation is an activity listed in the operating plan as defined in section 20(4) of that Act;
3. A hotel which has planning permission granted for use as a hotel;
4. A hostel;
5. Residential accommodation where personal care is provided to residents;
6. A hospital or nursing home;
7. A residential school, college or training centre;
8. Secure residential accommodation (including a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation, or accommodation used as military barracks);
9. A refuge;
10. Student accommodation;
11. Accommodation which otherwise requires a licence for use for hire for overnights stays;
12. Accommodation which is provided by the guest;
13. Accommodation which is capable, without modifications, of transporting guests to another location;
14. A bothy; or
15. Accommodation owned by an employer and provided to an employee in terms of a contract of employment or for the better performance of the employee’s duties.

**Excluded tenancies**

An excluded tenancy means a tenancy which falls within any of the following definitions:

1. A protected tenancy (within the meaning of Section 1 of the Rent (Scotland) Act 1984);
2. An assured tenancy (within the meaning of Section 12 of the Housing (Scotland) Act 1988);
3. A short assured tenancy (within the meaning of Section 32 of the Housing (Scotland) Act 1988)
4. A tenancy of a croft (within the meaning of Section 3 of the Crofters (Scotland) Act 1993);
5. A tenancy of a holding situated outwith the crofting counties (within the meaning of Section 61 of the 1993 Act) to which any provisions of the Small Landholders (Scotland Act 1886 to 1931 applies;
6. A Scottish secure tenancy (within the meaning of Section 11 of the Housing (Scotland) Act 2001);
7. A short Scottish secure tenancy (within the meaning of Section 34 of the Housing (Scotland) Act 2001);
8. A 1991 Act tenancy (within the meaning of Section 1 of the Agricultural Holdings (Scotland) Act 2003);
9. A limited duration tenancy (within the meaning of Section 93 of the Agricultural Holdings (Scotland) Act 2003);
10. A modern limited duration tenancy (within the meaning of Section 5A of the Agricultural Holdings (Scotland) Act 2003);
11. A short limited duration tenancy (within the meaning of Section 4 of the Agricultural Holdings (Scotland) Act 2003);
12. A tenancy under a lease under which agricultural land is let for the purpose of its being used only for grazing or mowing during some specified period of the year (within the meaning of Section 3 of the Agricultural Holdings (Scotland) Act 2003);
13. A private residential tenancy (within the meaning of Section 1 of the Housing (Scotland) Act 2016);
14. A student residential tenancy