

NOTICE ONLY PACK - PREVIEW

Jurisdiction: Scotland

Notice Type: Notice to Leave - Scotland (PRT)

DOCUMENTS INCLUDED:

- | | |
|-----------------------------------|--------|
| 1. Notice to Leave (PRT) | Page 2 |
| 2. Service Instructions | Page 5 |
| 3. Service and Validity Checklist | Page 7 |

WHAT YOU GET:

- * Court-ready legal documents
- * Professional service instructions
- * Pre-service compliance checklist
- * Next steps guidance
- * Lifetime dashboard access
- * Free regeneration anytime

IMPORTANT: This is a PREVIEW ONLY

Complete purchase (£29.99) to download full unredacted documents.

All documents are editable and can be regenerated anytime.

NOTICE TO LEAVE

**LANDLORD'S NOTICE TO A TENANT TO LEAVE UNDER SECTION 50(1)(a) OF
THE PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016**

This version of the form is in place from 30 March 2022 onwards

Important information for the Tenant(s) - Please read this notice carefully.**Advice**

If you have questions about this notice, speak to your Landlord or contact one of the following:

- your local council
- Shelter Scotland
- your local Citizen's Advice Bureau
- a solicitor (you may be able to get legal aid depending on your income)

Homelessness

Speak to your local council if you're worried about having somewhere to live. They can advise you on your options.

This notice informs you, the Tenant, that your Landlord is giving you notice to leave the Let Property,
and if you do not leave the property once the relevant notice period has expired, your Landlord can

apply

to the First-tier Tribunal for Scotland (the Tribunal) for an eviction order.

Your Landlord must give you a minimum of 28 days' notice, and may be required to give you 84 days' notice, depending on how long you have occupied the Let Property and the grounds on which they intend to apply for eviction.

Part 1 – TENANT'S DETAILS

To (tenant's name and address):

Fiona Tenant

75 Glasgow Road
Glasgow
G1 1AA

From (landlord's name, address and registration number):

Angus Landlord

50 Edinburgh Way

Edinburgh

EH1 1AA

Landlord Registration Number:

This is formal notice that you must leave the property by:

15 April 2025

Date this notice was sent to you:

15 January 2025

Part 2 – EVICTION GROUND(S) BEING USED

Your landlord is giving you notice to leave the property for the following reason(s) (eviction ground(s)) under Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016:

Part 3 – DETAILS AND EVIDENCE OF EVICTION GROUND(S)

Ground 1: Rent arrears (3+ months)**Supporting Evidence/Particulars:**

The tenant owes £3,500 in rent arrears covering over 3 months. Pre-action requirements have been completed including written notice to the tenant and signposting to debt advice services. Despite multiple contact attempts, the arrears remain unpaid.

Your Rights and What Happens Next

What this notice means

This notice tells you that your landlord wants you to leave the property. You should read it carefully and seek advice about your rights and what you should do.

If you don't leave

If you do not leave the property by the date given in Part 1, your landlord can apply to the First-tier Tribunal for Scotland (Housing and Property Chamber) for an eviction order. The Tribunal will only grant an eviction order if it is satisfied that:

- the eviction ground(s) stated in Part 2 apply, and
- it is reasonable to grant the eviction order

Your right to challenge this notice

You have the right to apply to the First-tier Tribunal to have this notice considered. The Tribunal can decide whether the notice is valid. You must make your application before the date you are required to leave, as stated in Part 1.

Important: Even if you apply to the Tribunal to have this notice considered, you should still prepare to leave by the date in Part 1 unless the Tribunal tells you otherwise.

Getting help and advice

If you need help or advice about this notice, you can contact:

- **Shelter Scotland** - 0808 800 4444 (free) or visit shelterscotland.org
- **Citizens Advice Scotland** - visit cas.org.uk
- Your local authority's housing advice service
- A solicitor or legal advice centre

Homelessness assistance

If you think you may become homeless as a result of this notice, contact your local authority's housing options service as soon as possible.

Further information

For more information about private residential tenancies and the eviction process, visit:
mygov.scot/private-rental-tenancies

Landlord's signature:

Date:


15 January 2025

How to Serve Your Notice to Leave

Property: 75 Glasgow Road
Glasgow
G1 1AA

Tenant: Fiona Tenant

Notice Period: 84 days

 **CRITICAL:** Service is the most important step. If you serve incorrectly, your Notice to Leave will be invalid and you'll have to start over. Follow these instructions exactly.

What is "Service"?

"Service" means officially delivering the Notice to Leave to your tenant in one of the legally approved methods. The law is VERY strict about this. You can't just hand it to them casually or send a text message.

i Key Principle: Under the Private Residential Tenancy (Scotland) Act 2016, you must serve the Notice to Leave using one of the prescribed methods. The notice period starts from the date of service, NOT the date you filled out the form.

Three Approved Service Methods

You **MUST** use one of these three methods. Any other method (email, WhatsApp, leaving under door, etc.) is NOT valid.

✓ Method 1: Hand Delivery (RECOMMENDED)

How it works: You (or someone over 18) personally hand the Notice to Leave to the tenant.

Step-by-Step Instructions:

1. **Print the Notice:** Use the official Notice to Leave form included in this pack
2. **Choose your delivery person:**
 - You can deliver yourself

- OR someone over 18 can deliver on your behalf (friend, relative, professional process server)
- The person delivering MUST be prepared to testify in tribunal if needed

3. Find the tenant: Go to the property at a time the tenant is likely home

4. Hand the Notice directly to the tenant:

- Say clearly: "I'm serving you with a Notice to Leave"
- Hand them the physical document
- If they refuse to take it, you can place it at their feet while saying "This is your Notice to Leave"

5. Take a photo/video: Immediately after service, take a photo showing:

- The tenant holding the notice (if possible)
- OR the notice at their feet if they refused
- The property address visible in background
- Timestamp visible on your phone

6. Complete Certificate of Service: Fill out the certificate (included in this pack) immediately while memory is fresh

Proof Required:

- ✓ Photo/video of service moment
- ✓ Completed Certificate of Service (signed and dated)
- ✓ Witness statement if someone delivered on your behalf

When does notice period start? The day AFTER the date you handed it to them.

Example: Hand delivered on Monday 1st May → notice period starts Tuesday 2nd May → 84-day period expires 8 April 2025

 **Method 2: Recorded Delivery Post**

How it works: Send via Royal Mail Recorded Delivery (signed for). You get proof of delivery.

Step-by-Step Instructions:

1. **Print and seal:** Print the Notice to Leave, place in envelope addressed to tenant at property address
2. **Go to Post Office:** Take to Post Office counter (cannot use post box)
3. **Request "Recorded Delivery":**
 - NOT "Signed For" or "Special Delivery" - must be "Recorded Delivery"
 - Cost: ~£1.80 (as of 2025)
4. **Keep the receipt:** Royal Mail gives you a receipt with tracking number - DO NOT LOSE THIS
5. **Track delivery:** Use tracking number on Royal Mail website to confirm delivery
6. **Download proof of delivery:**
 - Go to Royal Mail tracking website
 - Enter tracking number
 - Download/screenshot the delivery confirmation showing:
 - Tracking number

- Delivery date
- Signature (if available)

7. Complete Certificate of Service: Fill out certificate with posting date and tracking number

⚠ Important: Service date is the day the tenant RECEIVES it (delivery date), NOT the day you posted it. If Royal Mail shows "attempted delivery" but not delivered, the notice is NOT served yet.

Proof Required:

- ✓ Royal Mail receipt with tracking number
- ✓ Proof of delivery from Royal Mail website (screenshot/download)
- ✓ Completed Certificate of Service

When does notice period start? The day AFTER the delivery date confirmed by Royal Mail.

Example: Posted Monday 1st May → delivered Wednesday 3rd May → notice period starts Thursday 4th May

✓ **Method 3: Sheriff Officer Service (Professional Service)**

How it works: Hire a sheriff officer (Scottish equivalent of bailiff) to serve the notice professionally.

Cost: £50-£150 depending on location

Advantages:

- Professional proof of service (accepted by tribunal without question)
- Useful if tenant is avoiding you or being difficult
- Sheriff officer provides sworn execution of service certificate

Step-by-Step Instructions:

1. **Find a sheriff officer:** Search "sheriff officer [your area]" or check Society of Messengers-at-Arms and Sheriff Officers website

2. **Provide them with:**

- Copy of Notice to Leave
- Tenant's name and property address
- Any information about tenant's work schedule/when they're home

3. **Pay the fee:** Usually £50-£150

4. **Sheriff officer serves:** They will attend property and serve using hand delivery method

5. **Receive execution certificate:** Sheriff officer provides you with official certificate of service

Proof Required:

- ✓ Execution of service certificate from sheriff officer
- ✓ Receipt showing payment to sheriff officer

When does notice period start? The day AFTER the date the sheriff officer served it.

What About First Class Post? ❌

❌ DO NOT USE FIRST CLASS POST: Unlike in England & Wales, ordinary first class post is NOT a valid service method for Notice to Leave in Scotland. You **MUST** use one of the three methods above (hand delivery, recorded delivery, or sheriff officer).

Service Date vs. Notice Period Start Date

This is crucial to understand:

Service Date	Notice Period Starts	Notice Period Expires
The day you serve the notice	The day AFTER service date	84 days after notice period starts

Evidence Checklist

After serving the notice, you MUST have ALL of the following:

For Hand Delivery:


- ☐ Copy of Notice to Leave that was served (keep original)
- ☐ Photo/video of service moment (showing tenant receiving it)
- ☐ Completed Certificate of Service (signed and dated)
- ☐ Witness statement (if someone else delivered on your behalf)

For Recorded Delivery:

- ☐ Copy of Notice to Leave that was sent
- ☐ Royal Mail receipt with tracking number
- ☐ Proof of delivery from Royal Mail (screenshot/download)
- ☐ Completed Certificate of Service

For Sheriff Officer:

- ☐ Copy of Notice to Leave
- ☐ Execution of service certificate from sheriff officer
- ☐ Receipt for payment to sheriff officer

 **Why This Matters:** If you don't have proper proof of service, the tribunal will reject your application and you'll have to serve the notice again, losing months of time. Don't skip the evidence collection!

Common Mistakes to Avoid

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Mistake	Why It's Wrong	Correct Approach
✗ Sent by ordinary first class post	Not a valid service method in Scotland	✓ Use Recorded Delivery
✗ Emailed or texted notice	Not legally valid	✓ Use one of three prescribed methods
✗ Left notice under door	Not valid hand delivery	✓ Must hand directly to tenant
✗ Gave to tenant's friend	Must be given to tenant personally	✓ Serve tenant directly
✗ No proof kept	Can't prove service to tribunal	✓ Follow evidence checklist above
✗ Notice period starts from date filled out	Starts from day after service	✓ Count from day after service date

What Happens After You Serve the Notice

Immediate Actions (Within 24 Hours):

1. ✓ Complete Certificate of Service
2. ✓ Collect and organize all proof (photos, receipts, tracking info)
3. ✓ Store copies in safe place (you'll need for tribunal)
4. ✓ Send a copy to yourself by email as backup

During Notice Period (84 days):

- ✓ Wait - do NOT harass tenant or try to force them out
- ✓ Tenant should leave voluntarily by 8 April 2025
- ✓ If tenant contacts you to discuss, be professional and factual
- ✓ Continue accepting rent if tenant pays (doesn't affect notice)

After Notice Expires:

- ✓ If tenant left: arrange final inspection, return deposit
- ✓ If tenant still there: apply to First-tier Tribunal for Scotland (Housing and Property Chamber)
- ✓ DO NOT change locks or force tenant out - this is illegal

Special Circumstances

What if tenant refuses to accept hand delivery?

If you attempt hand delivery and the tenant refuses to take the notice:

- Say clearly: "This is your Notice to Leave"
- Place the notice at their feet or on a surface in their immediate vicinity
- Take photo/video showing the notice and the tenant refusing it
- This counts as valid service

What if tenant is never home?

If you cannot find the tenant at home for hand delivery:

- **Option 1:** Use Recorded Delivery instead (doesn't require them to be home)
- **Option 2:** Hire a sheriff officer (they're experienced at tracking people down)
- DO NOT just leave it under the door - this is not valid service

What if Recorded Delivery comes back undelivered?

If Royal Mail cannot deliver (e.g., "attempted delivery, not answered"):

- The notice is NOT served yet
- Try again with a different method (hand delivery or sheriff officer)
- Do NOT count the posting date as service date

What if there are multiple tenants?

If there are joint tenants (multiple names on tenancy agreement):

- You must serve ALL tenants

- You can use different methods for each (e.g., hand delivery to one, recorded delivery to another)
- The notice period starts from the LATEST service date (day after you served the last tenant)

Certificate of Service

A Certificate of Service is a simple form that you (or the person who delivered) fill out stating:

- Who served the notice
- Who it was served to (tenant's name)
- When it was served (exact date)
- How it was served (hand delivery, recorded delivery, sheriff officer)
- Where it was served (property address)

This certificate **MUST** be signed and dated by the person who did the serving.

i Template Included: A Certificate of Service template is included in this Notice Only pack. Simply fill in the blanks and sign it after serving the notice.

Final Checklist Before Tribunal Application

If the tenant doesn't leave voluntarily and you need to apply to the tribunal, you'll need to prove service. Before applying, make sure you have:

- ☐ Copy of the exact Notice to Leave you served
- ☐ Certificate of Service (completed and signed)
- ☐ Proof of service method:
 - Hand delivery: Photo/video evidence
 - Recorded Delivery: Royal Mail receipt + proof of delivery
 - Sheriff Officer: Execution certificate
- ☐ All documents stored safely in one folder (physical + digital backup)

Legal Basis: Private Residential Tenancy (Scotland) Act 2016, The Private Residential Tenancy (Prescribed Notices and Forms) (Scotland) Regulations 2017

Generated: 18 December 2025

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Support: For questions or assistance, visit our help center or contact support.

Notice to Leave - Service and Validity Checklist

Purpose: Use this checklist to verify your Notice to Leave was served correctly under the Private Housing (Tenancies) (Scotland) Act 2016. Keep this checklist with your evidence file for First-tier Tribunal proceedings.

Notice Details

Landlord: Angus Landlord

Landlord Address: 50 Edinburgh Way

Edinburgh

EH1 1AA

Tenant: Fiona Tenant

Property Address: 75 Glasgow Road

Glasgow

G1 1AA

Tenancy Start Date: 1 January 2023

Notice Date: 15 January 2025

Earliest Leave Date: 8 April 2025

Notice Period: 84 days

Eviction Ground(s):

Ground 1

Service Evidence Checklist

Confirm you have collected and retained the following evidence of service:

- Original signed Notice to Leave
- Copy of the notice served to tenant
- Date and time of service recorded
- Method of service documented (hand delivery / first class post / recorded delivery / sheriff officer)
- Proof of service:
 - If hand delivered: Photo of letterbox with notice visible, witness statement
 - If posted: Proof of postage receipt (Royal Mail certificate of posting)
 - If recorded delivery: Tracking number and delivery confirmation
 - If sheriff officer: Certificate of service from sheriff officer
- Witness details recorded (name, address, signature) if applicable
- Any correspondence from tenant acknowledging receipt

Keep All Evidence: The First-tier Tribunal will require clear proof of service. Without it, your eviction application will be rejected.

Validity Requirements (Private Housing (Tenancies) (Scotland) Act 2016)

Verify your Notice to Leave meets these validity requirements:

- Notice is in writing on prescribed form or substantially similar
- All mandatory fields completed (landlord name/address, tenant name, property address)
- Eviction ground(s) clearly stated from Schedule 3 of the Act
- Sufficient particulars provided for each ground
- Minimum notice period met:
 - Ground 1 (rent arrears 3+ months): 84 days (12 weeks)
 - Ground 2-8: 28 days minimum
 - **You claimed Ground 1 - minimum 84 days required**
- Earliest leave date specified: **8 April 2025**
- Notice signed and dated by landlord or landlord's agent
- Tenancy type is Private Residential Tenancy (PRT)

⚠ GROUND 1 (RENT ARREARS) PRE-ACTION REQUIREMENTS:

Before serving a Notice to Leave for Ground 1, you **MUST** have completed these pre-action requirements:

- Provided clear written information to tenant about rent arrears
- Made reasonable efforts to discuss arrears and reach agreement
- Provided information about sources of debt advice and financial assistance
- Given tenant reasonable time to access advice and assistance
- Considered tenant's circumstances and ability to pay

Evidence Required: Copies of all correspondence, records of phone calls/meetings, proof of debt advice signposting

After Service

Post-service actions:

- Wait until leave date has passed: **8 April 2025**
- Do not change locks or remove tenant belongings (illegal eviction)
- Do not harass tenant or cut off utilities
- If tenant remains after leave date, apply to First-tier Tribunal for Housing and Property Chamber
- Tribunal application cannot be made until after leave date
- Tribunal application must be made within 6 months of leave date (unless extended by tribunal)
- Keep proof of service readily accessible for tribunal proceedings

Important: Scotland uses the tribunal system for evictions. You must apply to the First-tier Tribunal for Housing and Property Chamber. Only the tribunal can grant an eviction order.

Legal Basis: Private Housing (Tenancies) (Scotland) Act 2016

Tribunal: First-tier Tribunal for Scotland Housing and Property Chamber

Pre-Action Requirements: Pre-Action Requirements (Notices to Leave) (Coronavirus) (Scotland) Regulations 2020

Generated: 18 December 2025

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