

NOTICE ONLY PACK - PREVIEW

Jurisdiction: Scotland

Notice Type: Notice to Leave - Scotland (PRT)

DOCUMENTS INCLUDED:

- | | |
|-----------------------------------|--------|
| 1. Notice to Leave (PRT) | Page 2 |
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| 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

Private Housing (Tenancies) (Scotland) Act 2016

TO THE TENANT(S)

Name: Fiona Tenant **Address:** 75 Glasgow Road Glasgow G1 1AA

FROM THE LANDLORD

Name: Angus Landlord **Address:** 50 Edinburgh Way Edinburgh EH1 1AA **Email:** angus@example.com **Phone:** 0131 123 4567

NOTICE TO LEAVE THE PROPERTY

I/We give you notice that I/we require you to leave the property specified above. **Date of this notice:** 2025-01-15 **Earliest date you can be required to leave:** 2025-04-08

GROUND(S) FOR REQUIRING YOU TO LEAVE

I/we are applying to the First-tier Tribunal for Scotland (Housing and Property Chamber) for an eviction order on the following ground(s):

Ground 1: Rent arrears (3+ months)

Rent arrears for 3 consecutive months or more (Private Housing (Tenancies) (Scotland) Act 2016, Schedule 3, Ground 1) **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.

PARTICULARS OF GROUND 1 - RENT ARREARS

Current rent: £1000 per **Total arrears:** £3500 as of 15 January 2025 **Duration of arrears:** 3 months (105 days)

Period	Rent Due	Rent Paid	Balance	-----	-----	-----	-----	Total owed: £3500
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As required by the Pre-Action Requirements (Notice to Leave and Notice of Proceedings) (Scotland) Regulations 2020, I/we have: ✓ Provided you with a clear rent statement ✓ Given you information about rent arrears and their consequences ✓ Provided information on sources of advice and assistance ✓ Given you reasonable time to pay or discuss the arrears ✓ Considered any payment arrangement proposals you made ✓ Made reasonable attempts to agree a payment plan

This Notice to Leave means that I/we intend to apply to the First-tier Tribunal for Scotland (Housing and Property Chamber) for an eviction order. **You do not have to leave the property when this notice expires.** I/we cannot make you leave without obtaining an eviction order from the Tribunal. However, **you should take this notice seriously** and seek advice immediately.

I/we cannot apply to the Tribunal for an eviction order until at least **84 days** (approximately 12 weeks) after this notice is served on you. The earliest date I/we can apply to the Tribunal is: **2025-04-08**

1. Get Advice Immediately

Do not ignore this notice. Contact one or more of the following for free, confidential advice:

Shelter Scotland: - Website: scotland.shelter.org.uk - Phone: 0808 800 4444 (Mon-Fri 9am-5pm)

Citizens Advice Scotland: - Website: www.citizensadvice.org.scot - Find your local bureau:

www.cas.org.uk/bureaux **Local Authority Housing Department:** - Contact your local council's

housing options team **Solicitor:** - You may be entitled to legal aid - Find a solicitor:

www.slab.org.uk

A Notice to Leave must: - Be in writing - Be properly served - Give the correct notice period for the ground(s) stated - Specify the ground(s) for eviction - Include sufficient particulars of the ground(s)

If you think the notice is invalid, seek legal advice immediately.

3. Respond to the Grounds

If this is about rent arrears: - Contact me/us immediately to discuss payment - Check if you're entitled to benefits (Universal Credit, Housing Benefit) - Make a payment plan offer - Even if you clear the arrears after this notice, I/we may still proceed with Tribunal application

4. Consider Your Options

- **Stay and defend:** You have the right to contest the application at the Tribunal - **Negotiate:** Contact me/us to discuss possible solutions - **Leave voluntarily:** If you choose to leave, get this in writing to protect your rights

TRIBUNAL PROCESS

If I/we apply to the Tribunal for an eviction order: 1. **You will receive notice** of the Tribunal application and hearing date 2. **You can submit a response** setting out your position 3. **You can attend the hearing** (in person, by phone, or video) 4. **You can be represented** by a solicitor or other representative 5. **The Tribunal will decide** whether to grant an eviction order The Tribunal has full discretion on whether to grant eviction, even if the ground is proven. The Tribunal will consider: - Whether it is reasonable to grant eviction - Your personal circumstances - Availability of alternative accommodation - Human rights and proportionality - My/our conduct as landlord - All relevant factors

HELP WITH RENT AND HOUSING COSTS

If you're struggling with rent, you may be entitled to help: **Universal Credit:** Includes help with housing costs - Apply: www.gov.uk/universal-credit - Phone: 0800 328 5644 **Discretionary Housing Payment:** Your local council may provide additional help - Contact: housing benefit team **Scottish Welfare Fund:** For emergency assistance - Contact your local council **Debt advice:** - StepChange: www.stepchange.org | 0800 138 1111 - National Debtline: 0808 808 4000

YOUR DEPOSIT

Your deposit of £1000 is protected in the SafeDeposits Scotland scheme. **Scheme details: Deposit reference:** At the end of the tenancy, any disputed deductions from your deposit will be resolved through the deposit scheme's dispute resolution service.

IMPORTANT LEGAL INFORMATION

Illegal Eviction

It is a criminal offence for me/us to evict you without a Tribunal eviction order. I/we cannot: - Change the locks - Remove your belongings - Cut off utilities - Harass you to leave - Use violence or threats If you are illegally evicted, contact the police and get legal advice immediately.

Homelessness

If you become homeless, your local council has a duty to assess your situation and may have a duty to provide accommodation. **Apply as homeless before leaving the property.** Once you have a valid Notice to Leave, you may be considered at risk of homelessness. Contact: Homelessness Team

LANDLORD'S DECLARATION

I/We declare that the information in this Notice to Leave is correct to the best of my/our knowledge and belief. **Signed:** _____ **Name:** Angus Landlord **Date:** 2025-01-15

NOTES FOR LANDLORDS

Service of Notice

This notice must be properly served on the tenant. Methods of service: 1. **Personal service** - handed to the tenant 2. **Postal service** - sent by recorded delivery or registered post 3. **Email** (if tenant agreed to email service in the tenancy agreement) 4. **Deposited** in the property in a sealed envelope addressed to the tenant **Keep proof of service** - This will be required for any Tribunal application.

Before Applying to Tribunal

For rent arrears (Ground 1): You MUST complete all pre-action requirements and provide evidence to the Tribunal. Failure to do so will result in the application being refused. - Ensure notice period has expired - Ensure you meet all requirements for the ground(s) - Gather all evidence - Consider alternative dispute resolution - Check your landlord registration is current

After Notice Expires

If the tenant does not leave, you must apply to the First-tier Tribunal. You cannot evict without a Tribunal order. Application details: www.housingandpropertychamber.scot

END OF NOTICE

PREVIEW DOCUMENT - NOT FOR LEGAL USE This is a preview generated by Landlord Heaven. A final, legally binding version will be provided upon payment.


LEGAL DISCLAIMER: This notice has been generated based on the information provided. While every effort has been made to ensure accuracy and compliance with the Private Housing (Tenancies) (Scotland) Act 2016, this does not constitute legal advice. You should seek independent legal advice before serving this notice or taking any legal action. Landlord Heaven is not responsible for any consequences arising from the use of this document.

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

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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

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