

# 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. Pre-Action Requirements Checklist	Page 7
4. Tribunal Process Guide	Page 9

## 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.

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## NOTICE TO LEAVE

**Private Housing (Tenancies) (Scotland) Act 2016**

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**TO THE TENANT(S)**

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**Name:** Fiona Tenant

**Address:** 75 Glasgow Road  
Glasgow  
G1 1AA

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**FROM THE LANDLORD**

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**Name:** Angus Landlord

**Address:** 50 Edinburgh Way  
Edinburgh  
EH1 1AA

**Email:** angus@example.com

**Phone:** 0131 123 4567

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## NOTICE TO LEAVE THE PROPERTY

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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

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## GROUND(S) FOR REQUIRING YOU TO LEAVE

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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.

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## PARTICULARS OF GROUND 1 - RENT ARREARS

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**Current rent:** £1000 per

**Total arrears:** £ as of

**Duration of arrears:** months ( days)

### Breakdown of Arrears:

Period	Rent Due	Rent Paid	Balance
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**Total owed:** £

### Pre-Action Requirements

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

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## WHAT THIS NOTICE MEANS

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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.

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## WHEN CAN EVICTION PROCEEDINGS START?

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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**

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## WHAT YOU SHOULD DO NOW

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### 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](http://scotland.shelter.org.uk)
- Phone: 0808 800 4444 (Mon-Fri 9am-5pm)

#### **Citizens Advice Scotland:**

- Website: [www.citizensadvice.org.scot](http://www.citizensadvice.org.scot)
- Find your local bureau: [www.cas.org.uk/bureaux](http://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](http://www.slab.org.uk)

## 2. Check the Notice is Valid

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

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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
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## HELP WITH RENT AND HOUSING COSTS

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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](http://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](http://www.stepchange.org) | 0800 138 1111
- National Debtline: 0808 808 4000

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## YOUR DEPOSIT

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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.

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## IMPORTANT LEGAL INFORMATION

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## 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

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## LANDLORD'S DECLARATION

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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

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## NOTES FOR LANDLORDS

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### 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](http://www.housingandpropertychamber.scot)

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### **END OF NOTICE**

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### **PREVIEW DOCUMENT - NOT FOR LEGAL USE**

This is a preview generated by Landlord Heaven. A final, legally binding version will be provided upon payment.

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**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:** ,

**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"?

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"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

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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 29/01/2025

☒ **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? ❌

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**❌ 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

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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

### Example Timeline:

- **Service Date:** 15/01/2025
- **Notice Period Starts:** 16/01/2025
- **Notice Expires:** 29/01/2025

### Evidence Checklist

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**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 Service?

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**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 29/01/2025
- ✓ 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 (see Next Steps Guide)
- ✓ DO NOT change locks or force tenant out - this is illegal

## Special Circumstances

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### 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

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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

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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.



## Pre-Action Checklist - Before Tribunal Application

**Property:** ,

**Tenant:**

**Notice Grounds:**

**i What is This Checklist?** Before applying to the First-tier Tribunal for Scotland (Housing and Property Chamber), you **MUST** ensure you've completed all required pre-action requirements. The tribunal will reject your application if you haven't followed proper procedures.

### Overall Status

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✓ **NO PRE-ACTION PROTOCOL:** Your selected ground(s) do not require specific pre-action protocol. However, you should still follow best practices for communication and evidence gathering.

## Essential Checklist (All Grounds)

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### ✓ 1. Notice to Leave Served Correctly

#### Your Status:

- Notice Service Date: 15/01/2025
- Notice Expiry Date: 29/01/2025
- Service Method:

#### Requirements:

- ☐ Notice served using approved method (hand delivery, recorded delivery, or sheriff officer)
- ☐ Notice period met (minimum required for your ground)
- ☐ Notice has expired (cannot apply to tribunal before expiry date)
- ☐ Proof of service collected (certificate, photos, Royal Mail receipt, etc.)

**⚠ Cannot Apply Until:** You cannot apply to the tribunal until AFTER the notice expiry date (29/01/2025). If you apply too early, the tribunal will reject your application.

## ✓ 2. Tenancy Deposit Protection (If Applicable)

✓ **NOT APPLICABLE:** No deposit taken

### Evidence Required for Tribunal:

- ☐ Deposit protection certificate (if deposit taken)
- ☐ Proof you provided prescribed information to tenant
- ☐ Copy of tenancy agreement showing deposit amount

## ✓ 3. Landlord Registration

**✗ NOT REGISTERED:** No registration number provided

**⚠ CRITICAL ISSUE:** ALL landlords in Scotland must be registered with their local authority. Operating as an unregistered landlord is a criminal offence. The tribunal will likely reject your application if you're not registered.

**Action Required:**

- Register immediately with your local authority (usually takes 4-6 weeks)
- Cannot proceed with eviction until registered
- Check: <https://www.landlordregistrationscotland.gov.uk/>

**Evidence Required for Tribunal:**

- ☐ Copy of landlord registration certificate
- ☐ Proof registration is current and not expired

**✓ 4. Gas Safety Certificate (If Applicable)**

**✓ NOT APPLICABLE:** No gas appliances at property

**Evidence Required for Tribunal:**

- Not applicable - no gas appliances

**✓ 5. Electrical Safety Certificate (EICR)**

 **NOT PROVIDED:** No EICR

**Action Required:**

- Obtain EICR from qualified electrician
- Mandatory for all private residential tenancies in Scotland
- Provide copy to tenant within 28 days

**Evidence Required for Tribunal:**

- ☐ Copy of current EICR (must be less than 5 years old)
- ☐ Proof you provided copy to tenant

**✓ 6. Repairing Standard Compliance**

**What is the Repairing Standard?** Scottish law requires landlords to ensure the property meets minimum standards for safety, repair, and habitability. If the tenant has complained about disrepair and you haven't fixed it, the tribunal may refuse your eviction application.

**✓ NO ISSUES:** No repairing standard issues reported

**Evidence for Tribunal:**

- ☐ Photos showing property in good repair
- ☐ Records of repairs completed

- ☐ Correspondence with tenant about maintenance

## **Evidence Checklist for Tribunal Application**

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### **Essential Documents (All Grounds)**

- ☐ Copy of tenancy agreement
- ☐ Copy of Notice to Leave you served
- ☐ Certificate of Service (proof you served the notice)
- ☐ Landlord registration certificate
- ☐ Deposit protection certificate (if applicable)
- ☐ Gas safety certificate (if property has gas)
- ☐ EICR certificate
- ☐ Photos of property condition

## **Final Pre-Flight Check**

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**Before submitting your tribunal application, confirm ALL of the following:**



Requirement	Status
Notice to Leave served correctly and has expired	<input type="checkbox"/> Confirmed
Registered as a landlord with local authority	<input type="checkbox"/> Confirmed
Deposit protected (if applicable)	<input type="checkbox"/> Confirmed
Gas safety certificate current (if applicable)	<input type="checkbox"/> Confirmed
EICR current	<input type="checkbox"/> Confirmed
Property meets repairing standard	<input type="checkbox"/> Confirmed
All evidence collected and organized	<input type="checkbox"/> Confirmed

✓ **Ready to Apply:** Once all items above are confirmed, you can proceed to apply to the First-tier Tribunal for Scotland (Housing and Property Chamber). See the "Tribunal Application Guide" for detailed instructions on how to apply.

**Legal Basis:** Private Residential Tenancy (Scotland) Act 2016, The First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure Amendment (Coronavirus) (Scotland) Regulations 2020, Pre-Action Requirements for Orders for Possession

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

## **Tribunal Application Guide - After Serving Your Notice**

**Notice Grounds:**

**Service Date:** 15/01/2025

**Notice Expiry Date:** 29/01/2025

**Property:** ,

**i What Happens Next:** You've served your Notice to Leave. Now you wait until the expiry date. If the tenant doesn't leave voluntarily, you'll need to apply to the First-tier Tribunal for Scotland (Housing and Property Chamber) for an eviction order. This guide explains the complete timeline and process.

### **Complete Timeline**

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**NOW → 29/01/2025:** Waiting period. Tenant should leave voluntarily.

**29/01/2025:** Notice expiry date. Tenant should vacate by end of this day.

**Day After Expiry:** If tenant hasn't left, you can apply to tribunal (do NOT change locks).

**1-2 Weeks Later:** Tribunal acknowledges application and sets case management discussion (CMD) date.

**6-12 Weeks Later:** Case Management Discussion (preliminary hearing) via phone/video.

**8-16 Weeks Later:** Full tribunal hearing (if needed). Tribunal makes decision.

**14 Days After Decision:** If eviction granted, eviction order takes effect.

**If Still There:** Apply for eviction officer warrant (sheriff officers physically evict).

**Total Timeline Estimate:** 10-20 weeks from notice expiry to tenant physically removed (if they don't leave voluntarily).


### **Scenario 1: Tenant Leaves Voluntarily ✓**

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**Best Case Scenario:** The tenant leaves on or before 29/01/2025. You avoid tribunal proceedings, save money, and regain possession quickly.

### **What to Do:**

- **Arrange final inspection:** Schedule with tenant if possible (gives them chance to clean/repair)
- **Check inventory:** Compare move-out condition to move-in inventory
- **Take photos:** Document property condition thoroughly
- **Collect keys:** Get all keys, fobs, garage remotes, etc.
- **Check utilities:** Take final meter readings, close accounts if in your name
- **Return deposit:** Within 30 working days through approved deposit scheme
- **Handle deductions:** If deducting for damages, follow deposit scheme dispute process

 **Deposit Deductions:** You can only deduct for legitimate damages or unpaid rent. Normal wear and tear is NOT deductible. If you make unfair deductions, the tenant can challenge through the deposit scheme and you could lose plus face penalties.

## Scenario 2: Tenant Doesn't Leave ✖

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**⚠ CRITICAL:** If the tenant is still in the property after 29/01/2025, DO NOT change the locks, remove their belongings, or cut off utilities. This is illegal eviction and you could face criminal charges, unlimited fines, and the tenant could sue you for damages.

### What to Do Instead:

You MUST apply to the First-tier Tribunal for Scotland (Housing and Property Chamber) for an eviction order. Here's how:

### Step 1: Check Pre-Action Requirements

**i No Pre-Action Protocol Required:** Your selected ground(s) () do not require specific pre-action protocol. However, ensure you have all evidence ready (see Pre-Action Checklist document).

### Step 2: Gather Required Documents

You'll need to submit the following with your tribunal application:

- ✓ Completed tribunal application form
- ✓ Copy of tenancy agreement

- ✓ Copy of Notice to Leave you served
- ✓ Certificate of Service (proof you served the notice)
- ✓ Landlord registration certificate
- ✓ Deposit protection certificate (if applicable)
- ✓ Gas safety certificate (if property has gas)
- ✓ EICR certificate
- ✓ Any other evidence supporting your application

### Step 3: Complete Application Form

**Application Form:** You need to complete the tribunal's eviction application form. This can be done online or by paper.

- **Online:** <https://www.housingandpropertychamber.scot/>
- **Paper:** Download form from tribunal website

**What the form asks for:**

- Your details (landlord/agent)
- Tenant's details
- Property address
- Type of tenancy (Private Residential Tenancy)
- Ground(s) for eviction ()
- Notice to Leave details (service date, expiry date)
- Supporting evidence summary

#### **Step 4: Pay Tribunal Fee**



**Tribunal Fees (Scotland):**

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Item	Cost
Eviction application fee	£0 (FREE)
Case management discussion	£0 (FREE)
Tribunal hearing	£0 (FREE)
Eviction order	£0 (FREE)
Sheriff officer eviction (if needed)	£150-£300
<b>Total Cost</b>	<b>£0 - £300</b>

**Important:** Unlike England & Wales (where court fees are £355+), the Scottish tribunal system is FREE for eviction applications. The only cost is if you need sheriff officers to physically evict (£150-£300).

### Step 5: Submit Application

- **Online (Recommended):** Submit via tribunal website - faster processing, automatic confirmations
- **Email:** [housingandpropertychamber@scotcourtribunals.gov.uk](mailto:housingandpropertychamber@scotcourtribunals.gov.uk)
- **Post:** First-tier Tribunal for Scotland (Housing and Property Chamber), George House, 126 George Street, Edinburgh, EH2 4HH

**Processing Time:** Tribunal usually acknowledges within 1-2 weeks and sets initial case management discussion within 6-12 weeks.

## **Step 6: Case Management Discussion (CMD)**

**What is a CMD?** A Case Management Discussion is a preliminary hearing (usually by phone or video) where the tribunal:

- Checks all parties understand the process
- Identifies what's in dispute
- Reviews evidence
- May make directions (orders for more evidence, etc.)
- Decides if a full hearing is needed or can decide on papers


### **What to expect:**

- Tribunal member calls you and tenant (usually conference call)
- Lasts 15-45 minutes
- Informal discussion of the case

- Tribunal may ask questions about evidence
- Tenant may raise defences (e.g., "landlord didn't serve properly", "PAR not followed")

### **Possible Outcomes:**

- **Simple cases:** Tribunal may grant eviction order immediately (no full hearing needed)
- **Complex/disputed cases:** Tribunal schedules full hearing (6-8 weeks later)
- **Issues found:** Tribunal may reject application (you'll need to fix issues and re-apply)

 **Must Attend:** You **MUST** participate in the CMD. If you don't, the tribunal may dismiss your application and you'll have to start over.

### **Step 7: Full Tribunal Hearing (If Required)**

If the tribunal decides a full hearing is needed, you'll be given a date (usually 6-8 weeks after CMD).

### **Hearing Format:**

- In-person at tribunal office (Edinburgh, Glasgow, or regional centers)
- OR by video conference (more common since 2020)
- Lasts 1-2 hours
- Formal but less strict than court

**What to Bring:**

- ✓ All evidence (original documents + 3 copies)
- ✓ Witness statements (if applicable)
- ✓ Photos of property (if relevant to your ground)
- ✓ Rent account ledger (especially for Ground 1)
- ✓ Copy of Notice to Leave and Certificate of Service
- ✓ All correspondence with tenant
- ✓ Any documents the tribunal specifically requested

**What Happens at Hearing:**

1. **Introductions:** Tribunal member(s) introduce themselves, explain procedure
2. **Your Evidence:** You present your case (why eviction should be granted)
3. **Tenant's Defence:** Tenant presents their defence (if any)
4. **Questions:** Tribunal asks questions to both parties
5. **Submissions:** Final statements from both sides
6. **Decision:** Tribunal may decide on the day OR reserve decision (send written decision later)

**What the Tribunal Considers:**

- Is the Notice to Leave valid and properly served?
- Has the notice period expired?
- Are the grounds for eviction proven?
- Is it reasonable to grant eviction? (for discretionary grounds)
- Have all procedural requirements been met (e.g., PAR for Ground 1)?

### **Step 8: Tribunal Decision**

The tribunal will issue one of these decisions:

Decision	What It Means
<b>Eviction Order Granted</b>	Tenant must leave within 14 days (or longer if tribunal extends). You can enforce if they don't.
<b>Eviction Order Refused</b>	Tribunal found your application invalid or unreasonable. Tenant stays. You may be able to apply again later.
<b>Delayed Eviction Order</b>	Eviction granted but delayed (e.g., "tenant has 3 months to leave"). Common for hardship cases.
<b>Conditional Order</b>	Eviction will be granted IF tenant doesn't comply with conditions (e.g., "if rent arrears not cleared by X date").

**Success Rate:** If you've followed all procedural requirements correctly, provided proper evidence, and served the notice properly, eviction is usually granted for:

- **Mandatory Grounds:** Tribunal **MUST** grant if proven (e.g., Ground 1 with 3+ months arrears)
- **Discretionary Grounds:** Tribunal grants if proven **AND** reasonable (most are granted if evidence solid)

## Step 9: After Eviction Order Granted

Once the tribunal grants an eviction order, the tenant gets a deadline to leave (usually 14 days, sometimes longer).



**⚠ Still Can't Force Them Out:** Even with an eviction order, you still can't change locks or force the tenant out yourself. If they don't leave by the deadline, proceed to Step 10.

### **What to do during this period:**

- Wait for the deadline date
- Tenant may negotiate a later move-out date (you can agree if you want)
- Tenant may appeal (rare, but possible within 14 days of decision)
- If tenant leaves, follow voluntary departure checklist (Scenario 1 above)

### **Step 10: Enforcement (If Tenant Still Doesn't Leave)**

If the tenant is still in the property after the eviction order deadline:

#### **1. Apply for eviction officer warrant:**

- Complete application to tribunal for "Certificate for Sheriff Officer"
- Tribunal issues certificate (usually within 1 week)

- No additional fee

## **2. Hire a sheriff officer:**

- Find local sheriff officer (search "sheriff officer [your area]")
- Provide them with tribunal's certificate
- Pay fee (£150-£300 depending on location and difficulty)

## **3. Sheriff officer schedules eviction:**

- Usually 1-2 weeks after you hire them
- They give tenant 48 hours notice
- Must be between 8am-8pm on a weekday

## **4. Eviction Day:**

- Sheriff officer attends property
- Physically removes tenant and their belongings

- Changes locks
- Hands keys to you
- Tenant's belongings left outside (unless severe weather - may be stored briefly)

**i Sheriff Officer Eviction:** Only a sheriff officer with a tribunal certificate can physically evict someone in Scotland. They are professionals experienced in evictions. You should not attend the eviction yourself - let them handle it.

## Costs Summary

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PREVIEW - Complete Purchase (£29.99)

Stage	Cost	Timeline
Notice Only Pack	£29.99	Immediate
Serve notice & wait	£0 - £10	28-84 days (depending on ground)
Tribunal application	£0 (FREE)	Immediate
Case Management Discussion	£0 (FREE)	6-12 weeks
Full hearing (if needed)	£0 (FREE)	6-8 weeks after CMD
Eviction order	£0 (FREE)	Immediate or 14+ days
Sheriff officer eviction (if needed)	£150-£300	1-2 weeks
<b>Total (if tenant doesn't leave)</b>	<b>£29.99 - £339.99</b>	<b>10-28 weeks total</b>

**Comparing to England & Wales:** Scotland's tribunal system is significantly cheaper (FREE vs. £355+ court fees) and often faster due to streamlined process.

## Upgrade to Complete Pack

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### **Need Tribunal Templates?**

If your tenant doesn't leave voluntarily, you'll benefit from pre-filled tribunal application forms and supporting documents.

#### **Complete Pack Includes:**

- ✓ Everything in Notice Only Pack
- ✓ Pre-filled tribunal application form
- ✓ Witness statement template
- ✓ Rent arrears schedule (for Ground 1)
- ✓ Pre-action requirements letter templates (for Ground 1)
- ✓ Evidence checklist for tribunal
- ✓ Hearing preparation guide

**Price:** £79.99 (save time and ensure tribunal-ready documents)

#### **Key Reminders**

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- ✓ **Never illegally evict:** No changing locks, removing belongings, or cutting utilities
- ✓ **Follow pre-action requirements:** Mandatory for Ground 1 (rent arrears)
- ✓ **Keep all evidence:** Photos, receipts, correspondence, proof of service
- ✓ **Attend all hearings:** Failure to attend usually means automatic dismissal
- ✓ **Be professional:** Don't argue with tenant, let tribunal handle disputes
- ✓ **Document everything:** Assume you'll need to prove everything at tribunal
- ✓ **Use sheriff officers:** Only they can legally enforce eviction

## Common Reasons Tribunal Refuses Eviction

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PREVIEW - Complete Purchase (£29.99)



Issue	How to Avoid
Notice to Leave not served properly	Follow service instructions exactly, keep proof
Notice period not met	Don't apply until after expiry date
Pre-action requirements not followed (Ground 1)	Complete all PAR steps, keep evidence
Not registered as landlord	Register with local authority before applying
Deposit not protected	Protect deposit within 30 days of receipt
No gas safety certificate	Get annual certificate from Gas Safe engineer
Property in disrepair	Fix all reported issues before applying
Insufficient evidence	Collect comprehensive evidence package

## Tribunal Contact Information

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### First-tier Tribunal for Scotland (Housing and Property Chamber)

- **Website:** <https://www.housingandpropertychamber.scot/>
- **Email:** [housingandpropertychamber@scotcourtribunals.gov.uk](mailto:housingandpropertychamber@scotcourtribunals.gov.uk)
- **Phone:** 0141 302 5900
- **Address:** George House, 126 George Street, Edinburgh, EH2 4HH

**Opening Hours:** Monday-Friday, 9am-5pm

**Legal Basis:** Private Residential Tenancy (Scotland) Act 2016, The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, Pre-Action Requirements for Orders for Possession

**Generated:**

**Landlord Heaven Notice Only Pack** | Scotland

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