

**NOTICE TO LEAVE UNDER SECTION 62(1)(d) OF THE PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016**

**FOR USE ONLY BY A LANDLORD**

**IMPORTANT INFORMATION FOR THE TENANT(S)**

**Please read this notification carefully.**

**THIS NOTICE INFORMS YOU, THE TENANT, THAT YOUR LANDLORD IS SERVING NOTICE ON YOU TO LEAVE THE LET PROPERTY AT THE ADDRESS IN PART 1, AND IF YOU DO NOT LEAVE THE PROPERTY ONCE THE RELEVANT NOTICE PERIOD HAS EXPIRED, YOUR LANDLORD WILL APPLY TO THE FIRST-TIER TRIBUNAL (THE TRIBUNAL) FOR AN EVICTION ORDER.**

Your landlord must give you a minimum of either 28 days' notice or 84 days' notice depending on how long you have occupied the let property or the ground for eviction. (See note 2 to tenant below)

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**Part 1**

To: \_\_\_\_\_  
(name of tenant(s))

Of: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(address of let property)

**NOTE 1 TO TENANT**

1. If you are uncertain about what anything in this notice means or if you are unsure of your rights and responsibilities you should get advice as quickly as possible. You may be able to get this from your landlord, an organisation which gives advice on housing matters such as your local authority, Shelter Scotland or your local Citizens Advice Bureau, or from a solicitor. If you need to employ a solicitor, legal aid may be available depending on your income.

**Part 2**

I/We\* your landlord(s)/agent\*:

\_\_\_\_\_  
\_\_\_\_\_  
*(insert name of landlord(s) or agent)*

Of: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(address and telephone number of landlord(s))*

Inform you that I/we\* intend to apply to the Tribunal for an eviction order in respect of the house at the address in Part 1 above on the following ground/grounds\* being a ground/grounds\* for eviction as set out in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part 3**

I/We\* also inform you that I/we are seeking eviction under the above ground(s) for the following reasons:  
*[Please give as much detail as possible including relevant dates and in cases of rent arrears, insert the amount of arrears outstanding and the period over which it has built up.]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[state particulars of how you believe the ground(s) have arisen – continue on additional sheets of paper if required]*

\* delete as appropriate

## NOTE 2 TO TENANT

Your landlord must give you proper notice between serving this notice and making an application to the Tribunal for an eviction order. You will receive a minimum of 28 days' notice if you have lived in the property for six months or less on the day you receive this notice OR the only eviction ground(s) mentioned above in Part 2 is one (or more) of the following. You:

- are no longer occupying the property (*EVICTIOIN GROUND 10*)
- have breached a term of your tenancy (*EVICTIOIN GROUND 11*)
- are in rent arrears over 3 consecutive months (*EVICTIOIN GROUND 12*)
- have a relevant conviction (*EVICTIOIN GROUND 13*)
- have engaged in antisocial behaviour (*EVICTIOIN GROUND 14*)
- associate in the let property with someone who has a relevant conviction or has engaged in antisocial behaviour (*EVICTIOIN GROUND 15*)

You will be given a minimum of 84 days' notice if you have lived in the property for more than six months and ANY of the following eviction grounds are mentioned in Part 2:

- Landlord intends to sell the property (*EVICTIOIN GROUND 1*)
- Property to be sold by lender (*EVICTIOIN GROUND 2*)
- Landlord intends to refurbish (*EVICTIOIN GROUND 3*)
- Landlord intends to live in the property (*EVICTIOIN GROUND 4*)
- Family member intends to live in property (*EVICTIOIN GROUND 5*)
- Landlord intends to use for non-residential purpose (*EVICTIOIN GROUND 6*)
- Property required for a religious purpose (*EVICTIOIN GROUND 7*)
- Tenant is no longer an employee (*EVICTIOIN GROUND 8*)
- Tenant no longer requires supported accommodation (*EVICTIOIN GROUND 9*)
- Landlord has been refused registration or had his or her registration revoked (*EVICTIOIN GROUND 16*)
- Landlord's HMO licence has been revoked [This may need to be tweaked when this ground is amended.] (*EVICTIOIN GROUND 17*)
- Overcrowding statutory notice has been served on the landlord (*EVICTIOIN GROUND 18*)

If your landlord is using eviction ground 1 (*INTENDS TO SELL*), 2 (*MORTGAGE LENDER SELLING*), 3 (*INTENDS TO REFURBISH*), 4 (*LANDLORD INTENDS TO LIVE IN PROPERTY*), 6 (*INTENDS TO USE FOR NON-RESIDENTIAL PURPOSE*), 7 (*REQUIRED FOR RELIGIOUS PURPOSE*), 10 (*NOT OCCUPYING PROPERTY*), 13 (*CRIMINAL CONVICTION*) and the tribunal decides that the eviction ground is established, the Tribunal **must** grant an eviction order. If an eviction order is granted, the landlord will be able to evict you.

If your landlord is using eviction ground 5 (*FAMILY MEMBER INTENDS TO LIVE IN PROPERTY*), 9 (*TENANT NO LONGER REQUIRES SUPPORTED ACCOMMODATION*), 11 (*BREACHED A TERM OF THE TENANCY*), 14 (*ANTISOCIAL BEHAVIOUR*), 15 (*ASSOCIATION WITH SOMEONE IN THE PROPERTY WHO HAS A CRIMINAL CONVICTION OR ACTED ANTISOCIALY*), 16 (*LANDLORD REGISTRATION REFUSED OR REVOKED*), 17 (*HMO LICENCE REVOKED*) or 18 (*OVERCROWDING STATUTORY NOTICE SERVED*), even if the Tribunal is content that the eviction ground is established, it will still have to decide whether it is reasonable to evict you. In deciding whether it is reasonable, the Tribunal must take into account all the circumstances of the case. The Tribunal **may** decide not to grant an eviction order or may delay its decision.

**NOTE 2 continues on page 4**

**NOTE 2 continued:**

If your landlord is using eviction ground 8 (*NOT AN EMPLOYEE*) the Tribunal **must** grant an eviction order if the application for eviction was made within 12 months of you ceasing to be – or failing to become – an employee. The Tribunal **may** issue an eviction order if the eviction application is made after the 12 month period has elapsed.

If your landlord is using eviction ground 12 (*RENT ARREARS*), the Tribunal **must** grant an eviction order if it establishes that for three or more months you have been continuously in arrears of rent and on the day the Tribunal considers the case, the arrears were at least one month's rent and were not due to a delay or failure in the payment of a relevant benefit. The Tribunal **may** grant an eviction order if you have been in arrears of rent for three or more months, and on the day the Tribunal considers the case, the arrears are less than one month's rent.

Your landlord should provide you with evidence to support the eviction action, particularly if he or she is using eviction ground 1 (*INTENDS TO SELL*), 3 (*INTENDS TO REFURBISH*), 4 (*LANDLORD INTENDS TO LIVE IN PROPERTY*), 5 (*FAMILY MEMBER INTENDS TO LIVE IN PROPERTY*) or 6 (*INTENDS TO USE FOR NON-RESIDENTIAL PURPOSE*). If you do not receive any supporting evidence along with this notice, the Tribunal will ask for this evidence when considering your landlord's application for an eviction order as the Tribunal must be satisfied that the eviction ground is established.

**Part 4**

I attach the following evidence to support the eviction action (if any):

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**Part 5**

An application will not be submitted to the Tribunal for an eviction order before xxxxxxxxxxxx (which is the earliest date at which Tribunal proceedings can be raised under section 54 of the Private Housing (Tenancies) (Scotland) Act 2016).

Signed: \_\_\_\_\_  
(landlord(s) or Landlord's Agent)

Dated: \_\_\_\_\_

### **NOTE 3 TO 7 TO TENANT**

3. If you have fallen behind in your rent payments and would like money advice, you can contact the housing options team at your local authority, Shelter Scotland or your local Citizens Advice Bureau.
4. The date given in Part 5 is the earliest date on which the landlord can start eviction action at the Tribunal. From that date your landlord is allowed to start court action at any time during the following six months. If your landlord does not start Tribunal action in that six-month period he or she would have to serve another notice on you before he or she could start eviction action at the Tribunal.
5. Remember before you are required to leave your home, your landlord must have done 2 things:
  - Served on you a notice to leave with the relevant notice period (this notice), and
  - Obtained an eviction order from the First-tier Tribunal.
6. If the First-tier Tribunal grants an eviction order to your landlord, and you choose not to leave the let property by the date specified in that eviction order, your landlord will serve a charge for removing on you, which sets a date by which you must leave the property. You will usually get 14 days' notice. If you do not leave by this date, the sheriff's officers will remove you after giving you a further 2 days' notice.
7. If you leave your home following receipt of this notice, or through an eviction order issued by the Tribunal, and you are not satisfied that your landlord genuinely wanted his or her property back under the eviction ground(s) outlined in Part 3, you can apply to the Tribunal, which if it agrees, can make a wrongful termination order against your landlord for a compensation amount not exceeding 6 months' rent.

**THIS IS AN IMPORTANT DOCUMENT AND YOU SHOULD KEEP IT IN A SAFE PLACE.**