

2017 No. 297

HOUSING

The Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017

Made - - - - - *12th September 2017*

Laid before the Scottish Parliament *14th September 2017*

Coming into force - - - *1st December 2017*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 17(3), 22(2)(b), 24(4), 43(1)(a), 61(3)(b), 62(1)(d) and 77(2) of the Private Housing (Tenancies) (Scotland) Act 2016(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017 and come into force on 1st December 2017.

(2) In these Regulations “the Act” means the Private Housing (Tenancies) (Scotland) Act 2016.

Notice of a tenant’s intention to make an application to the First-tier Tribunal to draw up terms or sanction failure to provide information

2.—(1) A notice under section 14(3) (application to First-tier Tribunal to draw up terms) of the Act of the tenant’s intention to make an application to the First-tier Tribunal under section 14(1) of the Act must be in the form set out in schedule 1.

(2) A notice under section 16(3)(c) (First-tier Tribunal’s power to sanction failure to provide information) of the Act of the tenant’s intention to make an application to the First-tier Tribunal under section 16(1) of the Act must be in the form set out in schedule 1.

Rent-increase notice

3. A rent-increase notice given by the landlord to the tenant under section 22(1) (landlord’s power to increase rent) of the Act must be in the form set out in schedule 2.

Referral to a rent officer to determine the rent

4. A referral made by a tenant to a rent officer under section 24(1) (tenant’s right to refer increase to rent officer) of the Act to determine the rent must be in the form set out in schedule 3.

Application to a rent officer to determine the additional amount of rent (if any) attributable to improvements

5. An application by the landlord to a rent officer under section 42(1) (rent officer's power to allow rent rise in consequence of improvement) of the Act to determine the additional amount of rent (if any) attributable to improvements must be in the form set out in schedule 4.

Notice to leave

6. A notice to leave given by the landlord to the tenant under section 50(1)(a) (termination by notice to leave and tenant leaving) of the Act must be in the form set out in schedule 5.

Sub-tenancy notice to leave

7. A sub-tenancy notice to leave given by a landlord to a sub-tenant under section 61(1) (sub-tenancy notice to leave) of the Act must be in the form set out in schedule 6.

KEVIN STEWART

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
12th September 2017

SCHEDULE 1

Regulation 2

APPLICATION BY A TENANT TO THE FIRST-TIER TRIBUNAL

TENANT'S NOTIFICATION TO A LANDLORD UNDER SECTION 14(3) OR 16(3)(c) OF THE PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016 (THE ACT) OF THE TENANT'S INTENTION TO MAKE AN APPLICATION TO THE FIRST-TIER TRIBUNAL FOR SCOTLAND (THE TRIBUNAL) IN CONNECTION WITH A FAILURE TO SUPPLY IN WRITING ALL TENANCY TERMS AND/OR ANY OTHER SPECIFIED INFORMATION

Important: information for Landlord(s) – please read this notice carefully.

This notice informs you, as a Landlord, that your Tenant(s) wants to make an application to the Tribunal because you have failed to give them a copy of all the written terms of their tenancy and/or you have failed to give any other specified information.

The notice also tells you if your Tenant is looking for a payment order from the Tribunal. If a payment order is awarded, you may need to pay your Tenant up to a maximum of six months' rent.

If you give your Tenant(s) all the required information before the date noted in Part 2, your Tenant(s) can't make an application to the Tribunal.

Advice - If you have questions about this notice, contact one of the following:

- your local council
- Shelter Scotland
- your local Citizen's Advice Bureau
- a solicitor
- the Scottish Association of Landlords (a membership organisation)

Part 1 – Landlord(s) or Agent's details

To: (name of the Landlord(s) or Agent): _____

At: (address of Landlord(s) or Agent) _____

Part 2 – Tenant(s) details and missing information

This gives you notice that:

(name of Tenant(s)): _____

At: (address of Let Property) _____

intends to make an application to the Tribunal no earlier than

_____ (insert the day after the 28 days' notice period ends) for:

Failure to give me all the written terms of my tenancy as required under section 10 of the Act.

(Give details of the missing written tenancy terms): _____

Failure to give me the following information specified in regulations made under section 11 of the Act:

(Give details of the information your Landlord should have given you): _____

A payment order under section 16 of the Act.

Signed: _____ (Tenant or Tenant's agent
(if appropriate))

Date: _____

Address of Tenant's agent (if appropriate): _____

SCHEDULE 2

Regulation 3

RENT-INCREASE NOTICE

LANDLORD'S RENT-INCREASE NOTICE TO TENANT(S) UNDER SECTION 22(1) OF THE PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016

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)

This notice informs you, as a Tenant, that your Landlord wants to increase the rent for your private residential tenancy. The new rent will start from the date shown in Part 2 of this notice unless you take one of the following actions:

1. reach an agreement with your Landlord to further delay the rent increase.
2. refer this notice to a Rent Officer for a rent determination, using the specific referral to a Rent Officer form, within 21 days of receiving this notice. This option is not available if the Let Property is located in a rent pressure zone.
3. can prove that your Landlord did not give you enough notice of the increase.

You must complete Part 3 of this form and return it to your Landlord. If you do not do this, the rent increase will start from the date shown in Part 2 of this notice.

If you apply to a Rent Officer to challenge the proposed increase to your rent the Rent Officer can increase as well as reduce your rent.

Part 1 – THE TENANT AND THE LET PROPERTY (this part must always be completed by the Landlord)

Tenant(s) name(s): _____

Let Property (the Tenant(s) address): _____

Is the Let Property mentioned above located in a Rent Pressure Zone (RPZ)?

- No (Landlord to complete Part 2a only)
- Yes (Landlord to complete both Part 2a and Part 2b)

Part 2a – THE PROPOSED RENT INCREASE (this part must always be completed by the Landlord)

This gives you notice that: (name of Landlord(s)) _____

of: (address of landlords(s)) _____

proposes to increase your rent from £_____ per *week/fortnight/4 weeks/month/quarter/year

to a new rent of £_____ per *week/fortnight/4 weeks/month/quarter/year for your tenancy at the address in Part 1.

The new rent is to take effect from: (insert date) _____

The last time your rent was increased was: (insert date (if appropriate)) _____

I confirm that the date the new rent will start from is at least 12 months after any previous rent increase.

Signed: (Landlord/Landlord's agent) _____

Date: _____

Address of Landlord's agent (if appropriate):

Part 2b – IF THE LET PROPERTY IS IN AN RPZ

Only complete this section if the Let Property is in an area which has been designated by the Scottish Ministers as a Rent Pressure Zone.

The Let Property in Part 1 of this form is in a Rent Pressure Zone. This means that the Scottish Ministers have set a cap on the maximum amount by which your rent can be increased. This is because rents in your area are rising too much, causing difficulties for existing tenants and having a negative effect on the local authority's housing system.

The new proposed rent amount outlined in Part 2 must not be more than the rent cap set by the Scottish Ministers.

The following equation has been used by the Scottish Ministers to set the cap for the area that you live in:

$$R \times \left(1 + \frac{\text{CPI} + 1 + X}{100}\right) + Y$$

In the above equation:

- R is the amount of rent payable before the rent increase.
- CPI is the percentage change (if any) in the consumer prices index over the period from the day of your last rent increase or, if your rent has not been increased before, from the day your tenancy began.
- X is the number of percentage points decided by the Scottish Ministers and set out in regulations.
- Y is the amount (if any) that your Landlord can charge you as a result of improvements made to the Let Property. Only a Rent Officer can decide how much can be inserted above for 'Y'. If a figure greater than zero has been added below for 'Y', a copy of the Rent Officer's decision must accompany this notice which confirms that amount.

For example, if:

- R = £800 (rent amount payable before the rent increase)
- CPI over the period is 0.6%
- X is set by the Scottish Ministers at 2%
- Y is £30

The calculation would look like this:

$$£800 \times \left(1 + \frac{0.6 + 1 + 2}{100}\right) + £30 = \text{new rent of } £858.80 \text{ per month}$$

When you add in the actual amounts for each of the letters above, the equation used to calculate your rent increase looks like this:

$$£ \boxed{} \times \left(1 + \frac{\boxed{} + 1 + \boxed{}}{100}\right) + £ \boxed{} = £ \boxed{}$$

(insert the appropriate figures into this equation to calculate the cap that will apply for the area you live in)

The above cap is in force from _____ to _____

(insert dates cap is in place)

Part 3 – TENANT’S RESPONSE TO THE PROPOSED RENT INCREASE
(This part should be completed by the Tenant(s) and returned to the Landlord. If this isn’t done, the rent increase will take effect from the date shown in Part 2 of this notice)

To: (Landlord/Landlord’s letting agent): _____

From: (name of the Tenant(s)): _____

of: (address of Let Property): _____

[*I/We] acknowledge receipt of the rent-increase notice dated _____ and give you notice that:

- *I/We accept the new rent to apply from: (insert date) _____
- *I/We accept the new rent, but have not been given sufficient notice. I/we can provide evidence that I/we did not receive the rent-increase notice until: (insert date) _____.

Therefore, the rent increase cannot take effect until _____ (insert date).

- *I/We do not accept the new rent to apply from _____ (insert date) and propose to make a referral to a Rent Officer for a determination of the open market rent.
YOU CANNOT CHOOSE THIS OPTION IF THE LET PROPERTY IS IN A RENT PRESSURE ZONE.

Signed: (Tenant(s)/Tenant’s agent) _____

If the tenancy is a joint tenancy all Tenants (or their agents) must sign.

Date: _____

Address of Tenant’s agents(s) (if appropriate): _____

If you do not complete and return this part of the form to your Landlord, the rent increase will take effect from the date shown in Part 2 of this notice.

This is an important document. You should make a copy for your own records before returning this section to your Landlord.

[* delete ‘I’ or ‘We’ as appropriate]

SCHEDULE 3

Regulation 4

REFERRAL BY A TENANT TO A RENT OFFICER

TENANT'S RENT INCREASE REFERRAL TO A RENT OFFICER UNDER SECTION 24(1) OF THE PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016

IMPORTANT: INFORMATION FOR TENANT(S)

You should use this form if you, as a tenant, want a Rent Officer to decide what your rent should be because:

- Your Landlord has given you a rent-increase notice; AND
- You think the increase may be too high.

The Rent Officer will aim to send you the decision within 40 days of receiving your completed referral form.

PLEASE NOTE - YOU CANNOT MAKE A REFERRAL TO A RENT OFFICER FOR A DECISION ON THE RENT INCREASE IF THE LET PROPERTY IS LOCATED IN A RENT PRESSURE ZONE. YOU CAN CHECK WHETHER YOUR LET PROPERTY IS LOCATED IN A RENT PRESSURE ZONE ON THE SCOTTISH GOVERNMENT'S WEBSITE AT <https://www.mygov.scot/rent-pressure-zone-checker/> OR PHONE RENT SERVICE SCOTLAND AT THE TELEPHONE NUMBER SHOWN BELOW.

YOU MUST SUBMIT THIS FORM TO THE RENT OFFICER WITHIN 21 DAYS OF RECEIVING THE RENT-INCREASE NOTICE FROM YOUR LANDLORD.

You can fill in this form online. If you are filling in your form by hand, please use BLOCK CAPITALS. If there are boxes to tick, tick only one.

Important Information before completing the application form

Rent Officers are independent officers appointed under the Rent (Scotland) Act 1984, who will decide the rent by comparing similar properties in your area. **In deciding the rent, the Rent Officer has the power to increase or decrease the rent.**

Once your referral form is received the Rent Officer may decide to inspect your property, so it is important that you tell us when you will **NOT** be available for an inspection.

You should read this referral form carefully and aim to complete it fully (there are notes to help you). If there are any questions that are not relevant to your circumstances, please mark them as 'not applicable' or 'N/A'.

Once you have filled in your referral form please send it to:

Rent Service Scotland
2nd Floor
Endeavour House
1 Greenmarket
Dundee
DD1 4QB

Once you have sent the referral form you must inform Rent Service Scotland immediately if any of the information you have provided changes.

If you would like more information about this process or any help completing this form please phone 0300 244 7000 or email us on rss.dundee@gov.scot.

Advice - If you have questions about this referral 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).

Notes to assist you completing the questions on this referral form

<p>Question 1(a) This is the address of the property where you currently live. We may phone you or send an email, so please give us your current telephone number and email address.</p>	<p>Question 4(b) Please give us details of how much of your rent is for any services that you receive. If the amount of services is not listed separately please let us know this.</p>
<p>Question 1(b) If an agent (or another person) acts on your behalf please give us all their contact details, including their address. This can be someone who acts on your behalf to deal with your personal affairs. You must have agreement with this person that they can carry out this role for you.</p>	<p>Question 5 This information will only be relevant if furniture or white goods are included in the amount of rent you pay for the property where you currently live. If they are included you should have received a list from your Landlord. We will need to see a copy of this.</p>
<p>Question 2(a) We need to write to your Landlord so please provide all the necessary contact details, including their address.</p>	<p>Question 6(a) We need to know about any improvements that you have made to your property which were not your responsibility under your tenancy agreement. Please list these.</p>
<p>Question 2(b) If an agent (or another person) acts on your Landlord's behalf please give us all their contact details, including their address.</p>	<p>Question 6(b) We need to know about any improvements that your landlord has made to your property since the start of your current tenancy. Please list these.</p>
<p>Question 3(a) We need to know what type of property you currently live in.</p>	<p>Question 7 We need to know about any defects or damages in the property caused by you.</p>
<p>Question 3(b) We need to know how many rooms there are in your property. We have provided a list of typical rooms in a property – please indicate in each box how many of these type of rooms are in your property.</p>	<p>Question 8(a) We need to know how much rent you are paying and how often you pay it.</p>

Question 3(c) Please let us know about any part of your property that is shared with another tenant.	Question 8(b) We need to know the proposed rent and how often you will need to pay it.
Question 3(d) We need to know details of all the outside space that comes with your property and is included in your tenancy.	Question 9 Please provide the necessary documents with your referral and tick the appropriate box(es) that you have done so.
Question 3(e) We need to know if the property has central heating – you need to select an option from the list.	Question 10 We may decide to inspect your property therefore it is important that you let us know when you WILL NOT BE AVAILABLE for an inspection. We will only be able to inspect during office hours and to allow for travelling by the Rent Officers this will be between 9.30 am and 3.30 pm
Question 3(f) We need to know if the property has double glazing - you need to select an option from the list.	Question 11 Please make sure that you (or your agent) sign the form. Failure to do will make the referral invalid. You do not need to sign the form if you are filling it in online – just enter your name.
Question 4(a) This information will only be relevant if services are included in the amount of rent you pay for the property where you currently live. If they are, please give us details of the services you receive - for example, stair cleaning, garden maintenance, door entry maintenance and communal area maintenance.	

Question 1 - Tenant's details

- (a) Tenant's Name, Address, Postcode and contact details (telephone number and email address)

Name _____

Address _____

Postcode _____

Telephone Number _____

Email Address _____

Name (if more than one tenant) _____

Address _____

Postcode _____

Telephone Number _____

Email Address _____

- (b) Tenant's Agent's Name, Address, Postcode and contact details (telephone number and email address). **For information on who can act as your Agent please see the 'Notes to Assist' section.**

Name _____

Address _____

Postcode _____

Telephone Number _____

Email Address _____

Question 2 – Landlord's Details

- (a) Landlord's Name, Address, Postcode and contact details (telephone number and email address)

Name _____

Address _____

Postcode _____

Telephone Number _____

Email Address _____

- (b) Landlord's Agent's Name, Address, Postcode and contact details (telephone number and email address).

Name _____

Address _____

Postcode _____

Telephone Number _____

Email Address _____

Question 3 - Details of the Property

(a) What kind of property is it? For example - a detached or terraced house or flat or part of a house. (If a flat give the flat number for example - 1F1, G/R)

(b) How many, and what type of rooms does the property have:

Living Room

Bedroom

Kitchen

Bathroom

WC

Other (please state) _____

(c) Is there any accommodation or facilities shared with another tenant? If yes, please give details Yes No

(d) Does the tenancy include a parking space, garage, garden, yard or any other separate building or land? If yes, please give details. Yes No

(e) Please tell us if there is any heating in your property. (Please delete as appropriate*)

- | |
|-----------------------|
| None* |
| Part central heating* |
| Full central heating* |
| Electric heating* |
| Storage heaters* |

- (f) Please tell us if your property has double glazing.
(Please delete as appropriate*)

None*
Full*
Partial*
Secondary*
Triple*

Question 4 – Services

- (a) Are any services included? (for example - cleaning, maintenance of communal parts, etc.)? If yes, please give details
- Yes No

- (b) How much rent is charged for these services? If the charge is included within the rent please state this.

Question 5 – Furniture

- Is furniture (including white goods) provided under the tenancy? If it is, please attach a list of the furniture provided.
- Yes No

Question 6 – Improvements

- (a) Have you (or a previous tenant under the same tenancy) carried out any improvements or replaced fixtures, fittings, or furniture for which you were NOT responsible under the terms of the tenancy? If yes, please give details.
- Yes No

- (b) Has the Landlord made any improvements to the property since the start of your tenancy? If yes, please give details.
- Yes No

Question 7 – Damages or defects

Are there any damages or other defects to the house or to any fixtures, fittings or furniture because you or a previous tenant under the same tenancy did not comply with the terms of the tenancy? If yes, please give details.

Yes

No

Question 8 – Your rent

(a) How much rent are you paying now?

£ _____ per *week/fortnight/4 weeks/month/quarter/year

(b) What is the new amount of rent?

£ _____ per *week/fortnight/4 weeks/month/quarter/year

* delete as appropriate

Please attach a copy of the rent-increase notice which you received from your Landlord. This tells you about the proposed new rent.

Question 9 – Documents required to support your referral

When you send your referral to us you should attach copies of documents which the Rent Officer will need to make a decision about the open market rent. You should attach the following:

- (a) A copy of your tenancy agreement
- (b) A copy of the rent-increase notice you received from your Landlord
- (c) If your Landlord provides furniture, a list of the furniture

Any documents which you send with this referral will be sent back to you as soon as possible.

Please tick each box to show that you have attached the relevant information.

Question 10 – The inspection of your property

To set the rent for your property the Rent Officer may decide to inspect it. This will take place during normal office hours (Monday - Friday between 9.30 am and 3.30 pm). Please let us know the dates over the next month when you are **NOT AVAILABLE** for an inspection.

Your Landlord will be invited to the inspection. You can only re-schedule once. If you are not available for an initial or re-scheduled inspection a decision will be made on your rent.

Question 11 – Declaration

I make a referral to a Rent Officer for a determination of the open market rent for the property at the address shown in part 1(a).

I confirm I have sent Part 3 of the rent-increase notice to my Landlord to let them know that I am referring to a Rent Officer.

Signed _____

(Tenant or Tenant's Agent)

Name in BLOCK CAPITALS _____

In the case of Joint Tenants all tenants must sign this form.

Date _____

APPLICATION BY A LANDLORD TO A RENT OFFICER

LANDLORD'S APPLICATION TO A RENT OFFICER FOR A RENT INCREASE AS A RESULT OF IMPROVEMENTS MADE TO A PROPERTY IN A RENT PRESSURE ZONE UNDER SECTION 42(1) OF THE PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016**IMPORTANT: INFORMATION FOR LANDLORD(S)**

You should use this form if:

- you have made improvements to a let property in a designated Rent Pressure Zone (RPZ); AND
- you want to apply for a rent increase to reflect an improvement to the property.

A Rent Officer will decide the rent amount allowable for the improvements and will aim to send their decision within 35 days of receiving your completed form.

You can fill in this form online. If you are filling in your form by hand, please use BLOCK CAPITALS. If there are boxes to tick, only tick one.

Important Information before completing the application form

Rent Officers are independent officers appointed under the Rent (Scotland) Act 1984 who will decide the additional amount of rent for the improvements to your Let Property. There is more information on what an improvement is on the website at <https://www.mygov.scot/improvements-rent-service-scotland/> and further information on Rent Pressure Zones on the website at <https://www.mygov.scot/rent-pressure-zone-checker/>.

Part of the process may involve inspecting the property, so it is important that you include the contact details for the Tenant.

You should read this application form carefully and aim to complete it fully (there are notes to help you). If there are any questions that are not relevant to your circumstances, please mark this as 'not applicable' or 'N/A'.

Once you have filled in your application please send it to:

Rent Service Scotland
2nd Floor
Endeavour House
1 Greenmarket
Dundee
DD1 4QB

Once you have sent the application form you must inform Rent Service Scotland immediately if any of the information you have provided changes.

If you would like more information about this process or any help completing this form please phone 0300 244 7000 or email us on rss.dundee@gov.scot

Advice - If you have questions about this application 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).
- the Scottish Association of Landlords (a membership organisation)

GUIDANCE NOTES FOR LANDLORDS

<p>Question 1(a) This is the address of the property where you currently live. We may phone you or send an email so please give us your current telephone number and email address.</p>	<p>Question 3 Please give us details of all the improvements you have made to the Let Property since the start of the tenancy, or since the rent has changed during the current tenancy (if applicable).</p>
<p>Question 1(b) If an agent (or another person) acts on your behalf, please give us all their contact details, including their address. This can be someone who acts on your behalf to deal with your personal affairs. You must have agreement with this person that they can carry out this role for you.</p>	<p>Question 4 This is the additional amount of rent that you would like to add to the current rent for your Let Property because of the improvements you have made.</p>
<p>Question 2(a) This is the address of the Let Property where you have made improvements.</p>	<p>Question 5 Please send all the necessary documents with your application, ticking the appropriate box(es) to show that you have done this.</p>
<p>Question 2(b) To decide on an additional amount of rent for improvements made to the Let Property, we may need to inspect it. Please give us all the necessary contact details for the Tenant.</p>	<p>Question 6 You/ your agent must sign the form. Failure to do so will make the application invalid. You do not need to sign the form if you are filling it in online.</p>

Question 1 – Landlord’s Details

(a) Name _____

Address _____

Postcode _____

Telephone Number _____

Email Address _____

(b) Your Agent’s contact details (if any)

Name _____

Address _____

Postcode _____

Telephone Number _____

Email Address _____

Question 2 – Tenant’s Details

(a) The address of the Let Property

Address _____

Postcode _____

(b) Contact details of the Tenant(s) living in the Let Property.

Tenant’s Name (1) _____

Telephone Number _____

Email Address _____

Tenant’s Name (2) _____

Telephone Number _____

Email Address _____

Question 3 – Improvements

Please list all the completed improvements that you (or the Landlord if you are the Landlords’ agent) have made to the Let Property. Give as much detail as possible and include the cost of each improvement (materials and labour), and the completion date. You will not be able to claim for your own labour.

Question 4 – How much do you want to increase the rent for your property to reflect the improvements you have made? (This is the additional amount of rent that you would like to add to the current rent for your Let Property because of the improvements you have made).

£ _____ [per week/fortnight/4 weeks/month/quarter/year*]
* delete as appropriate

Question 5 – Documents required to support your application

When you submit your application, you should attach copies of documents which the Rent Officer will need to make a decision about whether to allow a rent increase because of improvements made to the property:

- (a) A copy of any invoices/receipts for the materials and labour costs in respect of the improvements to support your application.

- (b) ‘Before’ and ‘after’ photos of the improvements (if available) to support your application

Please tick the boxes to show that you have attached the information requested.

Question 6 – Declaration

I apply to a Rent Officer for a decision on the amount of additional rent that can be charged as a result of improvements made to the Let Property at the address shown in part 2(a).

Signed _____ (Landlord/Landlord’s Agent)

Date _____

SCHEDULE 5

Regulation 6

NOTICE TO LEAVE

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

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:
(Name of tenant(s)):

Of:
(Address of Let Property): _____

The tenant(s) has lived in the property since: _____

Part 2 – EVICTION GROUND(S) BEING USED

[I/We*] your [Landlord(s)/Landlord's Agent*]:

(insert name of Landlord(s)/Agent): _____

Of:

(address and telephone number of Landlord(s)/Agent): _____

inform you that if you choose not to leave the Let Property on the date shown in Part 4 of this notice, I/we* intend to apply to the Tribunal for an eviction order in respect of the Let Property on the following ground(s) which is a ground(s) for eviction as set out in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016:

- Your Landlord intends to sell the Let Property
- The Let Property is to be sold by the mortgage lender
- Your Landlord intends to refurbish the Let Property
- Your Landlord intends to live in the Let Property
- Your Landlord's family member intends to live in the Let Property
- Your Landlord intends to use the Let Property for a non-residential purpose
- The Let Property is required for a religious purpose
- You cease to be - or fail to become - an employee of the Landlord
- You no longer need supported accommodation
- You are no longer occupying the Let Property
- You have breached a term(s) of your tenancy agreement
- You are in rent arrears over three consecutive months
- You have a relevant criminal conviction
- You have engaged in relevant antisocial behaviour
- You have associated in the Let Property with someone who has a relevant criminal conviction or has engaged in relevant antisocial behaviour
- Your Landlord has had their registration refused or revoked
- Your Landlord's HMO licence has been revoked or renewal has been refused
- An Overcrowding Statutory Notice has been served on your Landlord

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

[I/We*] also inform you that [I/we*] are seeking eviction under the above ground(s) for the following reasons:

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

It is important that the Tenant fully understands why you are seeking to evict them and that the action you are taking is justified. The provision of supporting evidence with this notice can help do that.

[I/We*] attach the following evidence to support the eviction action:

* delete as appropriate

Part 4 – THE END OF THE NOTICE PERIOD

An application will not be submitted to the Tribunal for an eviction order before _____(insert date). This is the earliest date that Tribunal proceedings can start and will be at least the day after the end date of the relevant notice period (28 days or 84 days depending on the eviction ground or how long you have occupied the Let Property).

Signed:
(Landlord(s) or Agent): _____

Dated: _____

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

SUB-TENANCY NOTICE TO LEAVE

HEAD LANDLORD'S NOTICE TO A SUB-TENANT TO LEAVE UNDER SECTION 61(1) OF THE PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016**Important information for Sub-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 Sub-Tenant, that the Head Landlord (likely to be your Landlord's landlord) is giving you notice to leave the Let Property. If you do not leave the Let Property once the relevant notice period has expired, your Head Landlord can apply to the First-tier Tribunal for Scotland (the Tribunal) for an eviction order.

Your Head Landlord must give you a minimum of 28 days' notice if you have lived in the property for six months or less or 84 days' notice if you have lived in the property for more than six months.

The Let Property you live in is sub-let, so in addition to giving a notice to leave on their tenant, the Head Landlord must also give notice to any Sub-Tenant(s) if they wish to evict the Sub-Tenant(s) on particular grounds. A copy of the notice to leave given to your landlord by the Head Landlord is attached to this notice to leave. Both notices will be given on the same day.

If you become the Tenant of the Let Property because of the Sub-Tenant protection, the sub-tenancy notice to leave can be treated as a notice to leave. This means that if you choose not to leave the Let Property as soon as your notice period ends, your Head Landlord can proceed straight to the Tribunal for eviction proceedings without having to give you another notice to leave.

Part 1 – SUB-TENANT

To: (name of Sub-Tenant(s)) _____

Of: (address of Let Property)

The Sub-Tenant(s) has lived in the property since: _____

Part 2 – EVICTION GROUND(S) BEING USED

[I/We*] your [Head Landlord(s)/Head Landlord(s) Agent*]:

(name of Head Landlord(s) or Agent): _____

Of:

(address and telephone number of Head Landlord(s)/Agent): _____

Inform you that if you choose not to leave the Let Property on the date shown in Part 4 of this notice, [I/we*] intend to apply to the Tribunal for an eviction order in respect of the Let Property on the following ground(s) which is a ground(s) for eviction as set out in schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

- Landlord intends to sell the Let Property
- The Let Property is to be sold by the mortgage lender
- Landlord intends to refurbish the Let Property
- Landlord intends to live in the Let Property
- Landlord's family member intends to live in the Let Property
- Landlord intends to use the Let Property for a non-residential purpose
- The Let Property is required for a religious purpose
- Tenant ceases to be - or fails to become - an employee of the Landlord

- Tenant no longer needs supported accommodation
- Landlord has had their registration refused or revoked
- Landlord's HMO licence has been revoked or renewal has been refused
- An Overcrowding Statutory Notice has been served on the Landlord

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

[I/We*] also inform you that I/we are seeking eviction under the above ground(s) for the following reasons. (State particulars of how you believe the ground(s) have arisen – continue on additional sheets of paper if required. Please give as much detail as possible including whether the eviction ground stated relates directly to the Sub-Tenant or the Sub-Tenant's landlord and any relevant dates.)

It is important that the Sub-Tenant fully understands why you are seeking to evict them and that the action you are taking is justified. The provision of supporting evidence with this notice will help do that and broaden their understanding on precisely why you are seeking to evict them.

[I/We*] attach the following evidence to support the eviction action:

* delete as appropriate

Part 4 – THE END OF THE NOTICE PERIOD

An application will not be submitted to the Tribunal for an eviction order before _____ (insert date). This is the earliest date that Tribunal proceedings can start and will be at least the day after the end date of the relevant notice period (28 days or 84 days depending on how long you have occupied the property).

Signed: (Head Landlord(s) or Agent): _____

Dated: _____

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

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations are made under the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”). They prescribe certain notices and forms to be used in connection with a private residential tenancy.

Regulation 2 prescribes the form of the notice to be given to the landlord of a tenant’s intention to make an application under section 14(1) or 16(1) of the Act to the Tribunal to either draw up the written terms of the tenancy or to sanction the landlord for failing to provide written terms of the tenancy or other specified information.

Regulation 3 prescribes the form of the rent-increase notice to be given by the landlord to the tenant in accordance with section 22(1) of the Act.

Regulation 4 prescribes the form to be used when a tenant, having received a rent-increase notice, wishes to refer the rent increase to a rent officer for determination in accordance with section 24(1) of the Act.

Where a let property is in a rent pressure zone, regulation 5 prescribes the form to be used by a landlord in accordance with section 43(1) of the Act to request the rent officer to determine the amount of additional rent which may be charged in consequence of improvements to the let property.

Regulation 6 prescribes the form of the notice to leave which the landlord may serve on a tenant under section 50(1)(a) of the Act.

Regulation 7 prescribes the form of the notice to leave which the landlord may serve directly on a sub-tenant under section 61(1) of the Act.

A business regulatory impact assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

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