

# 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

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

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**Important information for Sub-Tenant(s) - Please read this notice carefully, including the 'Guidance notes for Sub-Tenants' section**

**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 serving on 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 (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.

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

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### **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
- 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. (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.)

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

*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:

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\* 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).

Signed: (Head Landlord(s) or Agent): \_\_\_\_\_

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

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

