

GUIDANCE NOTES FOR COMPLETION OF A NOTICE TO QUIT FOR ASSURED AND SHORT ASSURED TENANCIES

A notice to quit (NTQ) is a written document served by a landlord on a tenant or by the tenant on a landlord, which has the effect of bringing the contractual tenancy between them to an end.

If a NTQ served by a landlord does not contain specific information, it will be invalid and the tenancy will not be ended until a valid NTQ is served. A valid NTQ must: -

- Be in writing,
- Give a period of notice after which it will become effective,
- Make it clear that, even after the period of notice given has run out, the landlord must get an order for possession from a court before the tenant can lawfully be evicted,
- Explain that the effect of NTQ is that the contractual assured tenancy will be brought to an end at the end of the period specified in the notice but that it will at once be replaced by a statutory assured tenancy, and that the landlord will be able to propose new terms for the tenancy or a different rent, or both.

NOTICE PERIOD

The sample NTQ attached contains all the necessary prescribed information, however you will have to complete the notice in the correct way, satisfying the correct notice period in order to ensure that the notice is valid.

The minimum periods for NTQ are laid down in the Sheriff Courts (Scotland) Act 1907 (ss34-38) and are as follows: -

- Lease for more than four months **40 Days**
- Lease for less than four months **One third of the period of let***
*but subject to a minimum period of 28 days.

A longer period of notice than the above may be written into the tenancy agreement between tenant and landlord if they wish but the period of notice can never be any shorter no matter what the tenancy agreement states.

COMPLETION OF THIS FORM

This notice needs to be edited to remove both “**sample NTQ for assured & short assured tenancies**” along with the guidance note beginning - “**This notice must be served.....or by Sheriff Officer**”. Insert appropriate details where asterisked, ensure the document is signed and dated and the name and address of tenant clearly inserted at the top of the notice.

FURTHER LEGAL REQUIREMENTS

Ending the tenancy agreement by itself through serving a NTQ is not enough to oblige the tenant to leave. The tenant may continue to occupy the property until the landlord obtains a court order for possession.

For terminating a **short assured tenancy** at the expiry date of the tenancy, the NTQ must be served in conjunction with a section 33 notice intimating recovery of possession on termination of a short assured tenancy. This requires a 2-month notice period.

If a tenant breaches the terms of their short assured tenancy agreement, a landlord may also serve a NTQ and Form AT6 to end the tenancy. In some cases this will alter the length of notice period for the Form AT6.

For **assured tenancies** the NTQ should be served in conjunction with a Form AT6 which states the ground or grounds as set out in Schedule 5 of the Housing (Scotland) Act 1988 on which the landlord is seeking possession and giving the particulars of the ways in which he believes the ground or grounds apply. The length of notice period is dependent on the grounds being used.

The procedure for ending a tenancy is complicated. You are strongly advised to seek advice on the correct procedure to be followed. Further information and advice for Landlords on how to end tenancies is available from Private Rented Services on 0131 529 7454 or letwise@edinburgh.gov.uk

This guidance is part of a range of advice and information resources available from the City of Edinburgh Council to help private landlords develop good practice.

For further information contact:

Private Rented Services,
Level 3
Chesser House
500 Gorgie Road
Edinburgh
EH11 3YJ

email letwise@edinburgh.gov.uk or visit www.edinburgh.gov.uk/letwise

Important:

The City of Edinburgh Council will accept no liability for any loss incurred as a result of using the sample notice to quit. You should consult a solicitor if you are in any doubt as to the implications of this document.