

A guide to private renting



Proper Property Ltd

FOR RENT



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Introduction

We have written this guide to help people who rent, or are planning to rent, a private home in Renfrewshire. We aim to help you to better understand the tenancy laws and to know your rights.

Today, there are more than 3000 homes in Renfrewshire let by private landlords. Most of these are flats in or around Paisley town centre. More and more of these homes are let by property managers on behalf of the owners of the homes. Property managers mostly run their businesses from town centre offices.

Whatever your circumstances may be, you are protected by various tenancy laws. Landlords and agents must keep to these laws.

We must help and give advice to you if you rent your home from a private landlord and you are suffering harassment or threats of eviction. We will also help you if you can't get repairs done.

However, most tenants who rent privately find it a positive experience, and most rented homes are of good quality and well managed.

You can find a list of useful organisations that can provide more help and assistance at the back of this booklet.

Your basic rights

No tenant should:

- have to live in accommodation below a certain standard;
- have to put up with antisocial behaviour or be affected by harassment; or
- be threatened with eviction without a good reason.

All tenants should:

- be able to get repairs done to their homes;
- have a secure tenancy;
- have their deposits returned; and
- have a tenancy agreement.

Checking whether your landlord is registered

Since 2006, all private landlords have had to register as landlords with their council by law.

If you are thinking about renting a home in Renfrewshire, you should only rent from landlords who are registered with us. You can check whether a property is registered by contacting our licensing section on **0141 840 3205** or by checking online at **www.landlordregistration.scotland.gov.uk**.

If the home is registered with us, we will give you details of who owns and lets out the property and a contact address where you can find out more.

It is against the law for a landlord to let property without being registered. Landlords can be fined up to £5000 if they fail to register.

Landlords who break the law by not registering may also be ignoring their legal requirement to look after the welfare of their tenants. They may not have the fire procedures or safety equipment such as smoke detectors that the homes they let should have by law. There may not be, gas and electrical inspection certificates showing that appliances in the property are safe to use. If you are renting a home, you have a right to see proof of these items.

You also have the right to ask landlords about health and welfare issues to do with your home. By choosing only to deal with properly registered landlords, you are taking the first steps to protect yourself.



Landlord Accreditation Scotland

In April 2008, the Scottish Government launched a scheme called 'Landlord Accreditation Scotland'. This scheme encourages private landlords and letting agents to improve the standards of housing management in Scotland.

Private landlords who can show that they manage their properties well will be accredited. You can find lists of accredited landlords either on the landlord accreditation website, or by direct contact with the scheme.

Landlords who are part of the Landlord Accreditation Scheme will have had a number of checks and tests to make sure that they are a reputable and trustworthy landlord.

Look out for the Landlord Accreditation logo.



Sharing a home with other tenants who aren't related to you

You may be thinking about renting a room in a house or flat with other tenants who aren't related to you, sharing kitchen, bathroom and other facilities (this might be a shared flat or bedsit).

If a landlord rents accommodation to three or more unrelated people, we call this type of property a "House in Multiple Occupation" (HMO). Landlords who want to let this type of housing have to apply to us for a licence. We will be able to let you know if the landlord you are thinking of renting with has a licence.

Paying the rent

Before you sign any tenancy agreement, you should make sure that you are able to pay the rent. You can get advice about your finances from the local citizens advice bureau or any of our Advice Works offices.

Tenancy agreements

We expect all registered landlords to provide a copy of their written tenancy agreement to their tenants.

Most tenants who rent privately have a Short Assured Tenancy. This guarantees that you may live in the home you are renting for at least six months (as long as you can meet the terms of the tenancy agreement). The landlord should give you a form called an AT5. This is a form that both you and your landlord must sign, confirming that you understand that you will be signing a short assured tenancy agreement. (There is an example of this document at the end of this booklet, on page 22.)

A tenancy agreement (see page 23) should explain how much rent you are expected to pay and the date when your tenancy ends.

You should check the contract to see if there are any arrangements for how much notice you must give to your landlord if you want to stop living in the property. If you are not sure, you should get advice from a citizens advice bureau or any advice works office before signing an agreement.

Conditions of tenancy

If you have entered in to a short assured tenancy agreement you will have the right to live in your home (we call this security of tenure) for at least six months. During your tenancy your landlord or agent will expect you to:

- look after your home, taking care of all furnishings and fittings;
- keep your home clean and tidy;
- look after and maintain your close (or common area), garden or shared space if you have one;
- get rid of rubbish carefully;
- pay rent on time;
- pay all gas, electric, council tax, water and sewerage charges (unless these are part of your rent);
- report all emergency and general repairs;
- behave responsibly;
- report to the antisocial behaviour team (**0800 169 1283**) anyone who behaves antisocially towards you (such as making too much noise); and
- keep to any other conditions in your tenancy agreement.



Rent deposits

If you move into private rented accommodation it is likely that you will have to pay a deposit. You should expect to have to pay a deposit up to two months' rent in advance. Your landlord will keep this money, and return it at the end of your tenancy as long as you are up to date with your bills and haven't damaged the property or taken anything from it (such as furnishings) during your stay.

Your landlord, as part of your tenancy agreement, should give you a written receipt for your deposit and give you details about the conditions that apply to the deposit.

If a landlord fails to return your deposit or if you haven't received a full explanation of why money has been taken off, you should report this to the Housing Advice section within the council or our Advice Works offices. We may be able to offer help and advice. You should keep an up-to-date rent book signed by your landlord and ask for a copy of the inventory (a list of all the furnishings, appliances and anything else in your home when you first rented it).

Local Housing Allowance

If you need financial help from us with your rent costs, you may be eligible for Local Housing Allowance (LHA). Local Housing Allowance rates are set by The Rent Service each month. The amount of Local Housing Allowance you get is based on the size of your household. We will also take into account details of your income and that of other people who stay with you.

In most cases, we will pay Local Housing Allowance direct to you, unless there is a good reason why you can't pay your rent yourself or you are behind with your rent payments. It is your responsibility to make sure that you pay your rent to your landlord. You can get more information on Local Housing Allowance from our private-sector benefits team.

Some landlords may not agree to let a home to you if you receive Local Housing Allowance. If you are thinking of renting from a private landlord and you claim Local Housing Allowance, you should check that the landlord will agree to let to you.

You can find out more about the current Local Housing Allowance rates from our private sector benefits office on **0141 840 3940** or on our website at www.renfrewshire.gov.uk.

Council tax

Council tax charges

Most tenants will also have to pay council tax charges in the property they rent. A landlord should be able to tell you about your responsibilities for council tax charges and give you information on the current rates. If all the adult tenants in the property are full-time students you should be exempt (not have to pay) or qualify for a discount from the council tax charge. You can find out more about Council Tax charges and how you can apply for reductions by phoning **0141 842 4422** or on our website at **www.renfrewshire.gov.uk**.

Council Tax Benefit

If you are on benefits or on a low income, you may qualify for Council Tax Benefit. You can use the same application form to apply for both Local Housing Allowance (Housing Benefit) and Council Tax Benefit.

To work out how much benefit you could be entitled to, please visit **www.renfrewshire.gov.uk** and use the on-line benefit calculator on the Council Tax Benefit and Housing Benefit page. This service is only a guide, and does not guarantee that you will be eligible to claim benefit.

You can get more advice from Citizens Advice, Advice Works offices or by contacting our Benefit Take Up Officer on **0141 842 5268**.



Energy services

Paying bills

As a tenant you will be responsible for registering as a new customer with the companies which supply electricity and gas to your home. Your landlord should be able to provide you with details of who supplies energy to your home.

Sometimes, a landlord may make it a condition of the tenancy that you sign up for a particular energy company or register your details with them. The landlord may also say that you are not allowed to install a prepayment meter in a home. You should check this with the landlord before you sign a tenancy agreement.

If your landlord can't provide details of the existing supplier, contact M-Pass on **0845 2709101**, who should be able to give you details. Once you have registered with the electricity or gas companies that supply the building, you will then be able to choose the company that you prefer. For independent advice on switching energy companies, contact Consumer Direct on **0845 4040506**.

Gas safety

A landlord must make sure that all gas heating and any other gas appliances are safe for you to use. All private landlords must arrange for safety checks to be done on these appliances by a CORGI-registered (Capita from 1st April 2009) installer on a yearly basis.

Checks need to be carried out within one year of the start of the tenancy or lease. As a tenant, you should receive a copy of the safety certificate from the landlord when you move into your home.

Carbon monoxide

You can be killed by carbon monoxide from poorly installed or maintained gas appliances very quickly. You can't smell it and you can't see it but you should be on your guard for the first signs of poisoning such as headaches, nausea or drowsiness. You should never use a gas appliance if you suspect it is unsafe. You may want to buy a carbon monoxide detector to make your home safer.

Electrical safety

Landlords must also make sure that all electrical appliances provided in a home are safe to use.

If you are worried about an appliance in your home, you should switch off and stop using it and report the fault immediately to your landlord. If your landlord fails to repair the fault, they are breaking the Repairing Standard law (page 12) and you may be able to get help from the Private Rented Housing Panel (page 13).

Smoke Detectors

Your landlord must supply working smoke detectors in the home you rent. There should be at least one working smoke alarm installed in the house on each floor of your home. If there is more than one alarm, these should be linked together so if one goes off, they all go off.

Energy efficiency

Electricity and gas bills will be among the largest bills that you will have to pay. You should look for ways to keep your costs down.

Installing insulation (such as draught-proofing, loft and cavity insulation) is one way of reducing energy bills. You should ask for permission from your landlord before arranging any work. Your landlord should not refuse to let you carry out work to insulate your home.

If you do have central heating, advice from our energy advice unit on the best way to set controls and timers may also help to reduce energy costs. You can contact the energy advice unit on **0141 840 3705**.



Repairing Standard

In September 2007 the Scottish Government introduced a new standard for private rented accommodation. This made landlords responsible for:

- making sure that your home doesn't let wind and water in, and that the structure and outside of your home are in reasonable repair;
- maintaining gas and electric appliances in reasonable repair and proper working order; and
- installing smoke alarms.

At the start of your tenancy, your landlord should give you details of the Repairing Standard and may ask you to sign a form to confirm that you have received information from them. You can find out more about the Repairing Standard from the web sites listed at the back of this booklet.

Adapting your property

Under, the Housing (Scotland) Act 2006, you have the right to carry out work to adapt your rented home if someone who lives there is disabled.

As a tenant you also have rights to install central heating and insulation through Scottish Government programmes. You must get your landlord's permission first, but landlords can't refuse to give permission without a good reason.

Private Rented Housing Panel

If the home you are renting doesn't meet the Repairing Standard, you have the right to complain to the Private Rented Housing Panel (PRHP). The panel was set up by the Scottish Government in September 2007 to investigate complaints about landlords and property conditions.

The panel works closely with councils and has powers to make sure that private landlords carry out repairs if there is proof that the landlord has failed to keep the house in good condition. It is now easier for tenants to make landlords keep within the law without having to resort to expensive court action.

Most landlords accept their responsibilities under the Repairing Standard. However, there will be times where landlords refuse to make repairs.

If the housing panel decides that a landlord has failed to make a repair that they should have made, it will send a "repairing standard enforcement order" to you and your landlord. This means the landlord must carry out the repair within 21 days. If the landlord doesn't make the repair, the panel can send a rent relief order to the landlord. This means you will have to pay much less (up to 90%) rent than usual until the problem is fixed.



Antisocial behaviour

We provide a wide range of services to tackle antisocial behaviour including:

- Warden from Renfrewshire Warden Service who patrol the streets and can identify anti social behaviour problems at an early stage; and
- the Antisocial Investigations Team (ASIST) who tackle residents' problems.

If you want to report antisocial behaviour contact the Antisocial Behaviour (ASB) Helpline on **0800 169 1283**.

Eviction from property

Landlords cannot evict you from your home unless they follow certain legal procedures. These include:

- sending you a legal notice telling you that they intend to ask the court for permission to evict you; and
- sending you a "Notice to Quit".

It is a criminal offence to force a tenant out of their home by intimidating them, being violent toward them, or withholding services. If you are or have been affected by a landlord who is threatening to evict you and has not followed the correct procedures, please contact our housing advice section or get legal advice from a law centre, solicitor or Citizens Advice Bureau.

Our housing advice section will give you independent advice and explain your rights, while offering support to help prevent you being evicted illegally.

Conclusions

We hope that you will keep this booklet and read it when you need to during your tenancy.

We encourage good practice among landlords and agents and organise landlord meetings, produce newsletters and offer workshops and training for landlords. If tenants in Renfrewshire know their rights and talk to each other, the quality of private rented housing will improve.

Other council departments and organisations can offer more advice to you if you rent a home privately.

As a private tenant you are also responsible for looking after property, paying rent on time, telling your landlord about repairs and acting responsibly.

The private rented sector in Renfrewshire is growing. We hope that you as a tenant, work with landlords and agents to play your part in making sure that the standard of private rented housing improves in the future.



Useful contact organisations

Advice Works

www.renfrewshire.gov.uk

Paisley Advice Works, 42 High Street, Paisley PA1 2OQ.

Phone: 0141 887 7632

Renfrew Advice Works, 7 Dunlop Crescent, Renfrew PA4 8PQ.

Phone: 0141 885 1188

Johnstone Advice Works, 8 Collier Street, Johnstone PA5 8AR.

Phone: 01505 382328

Services

E-mail: adviceworks@renfrewshire.gov.uk

- General advice about benefits and looking after your money

Antisocial Investigations Team (Asist)

www.renfrewshire.gov.uk

Renfrewshire House, Cotton Street, Paisley, PA1 1JD. Phone: 0800 169 1283

Renfrewshire Wardens Service. Phone: 0141 889 3499

Services

- Investigating anti social behaviour, providing wardens and a mediation service (helping people with disputes to talk to each other)

Citizens Advice Bureau

www.cas.org.uk

45 George Street, Paisley, PA1 2JY. Phone: 0141 889 2121

E-mail: bureau@paisleycab.casonline.org.uk

Services

- General advice on benefits, money and housing

Consumer Direct

www.consumerdirect.gov.uk

Phone: 0845 4040506

Services

- General advice and Information about choosing an energy supplier
- Managing your bills
- Debt Advice

Consumer Focus Scotland

www.consumerfocus.org.uk

Royal Exchange House, 100 Queen Street, Glasgow G1 3DN.

Phone: 0141 226 5261

E-mail: mail@consumerfocus-scotland.org.uk

Services

- Investigating complaints relating to disconnection or threatened disconnection by an energy supplier

Council Tax Enquiries

www.renfrewshire.gov.uk

Renfrewshire House, Cotton Street, Paisley, PA1 1AD. Phone: 0141 842 4422

E-mail: council-tax.finit@renfrewshire.gov.uk

Services

- Applications or registrations for council tax



Energy Advice Unit
www.renfrewshire.gov.uk

Renfrewshire House, Cotton Street, Paisley, PA1 1JD. Phone: 0141 840 3705

E-mail: energyadvice.hps@renfrewshire.gov.uk

Services

- Energy advice and information

Housing Advice
www.renfrewshire.gov.uk

15 Abercorn Street, Paisley PA3 4AA.

Phone: 0800 121 4466 or 0141 842 3060

E-mail: housingadvice.hps@renfrewshire.gov.uk

Services

- Housing advice for private sector tenants
- Advice on homelessness
- Information leaflets on renting from a private landlord

Houses in multiple occupation (HMO)
www.renfrewshire.gov.uk

Renfrewshire House, Cotton Street, Paisley, PA1 1JD. Phone: 0141 840 3125

E-mail: e-prot.es@renfrewshire.gov.uk

Services

- Information about licensed HMO accommodation in Renfrewshire

Landlord Accreditation Scotland Ltd
www.landlordaccreditationscotland.com

25 Maritime Street, Edinburgh EH6 6SE. Phone: 0131 553 2211

E-mail: info@landlordaccreditationscotland.com

Services

- Information relating to accredited landlords in Scotland
- Advice and information for private landlords and tenants

Landlord Registration
www.landlordregistrationscotland.gov.uk

Renfrewshire House, Cotton Street, Paisley, PA1 1TT. Phone: 0141 840 3205

Email: privatelandlord.licensing.cs@renfrewshire.gov.uk

Services

- Information about registered landlords in Renfrewshire

Local Housing Allowance
www.renfrewshire.gov.uk

Renfrewshire House, Cotton Street, Paisley, PA1 1JD. Phone: 0141 840 3940

E-mail: hbra.finit@renfrewshire.gov.uk

Services

- Advice and information about Local Housing Allowance
- Information on LHA rates



Owner services

www.renfrewshire.gov.uk

Renfrewshire House, Cotton Street, Paisley, PA1 1JD. Phone: 0141 842 5480

E-mail: ownerservices.hps@renfrewshire.gov.uk

Services

- General advice and information for private sector tenants
- Information leaflets

Paisley Law Centre

65 George Street, Paisley, PA1 2JY. Phone: 0141 561 7266

E-mail: lw@paisleylawcentre.co.uk

Services

- General advice on housing and legal matters
- Advice relating to illegal evictions

Private rented housing panel

www.prhpscotland.gov.uk

3rd Floor, 140 West Campbell Street, Glasgow, G2 4TZ.

Phone: 0141 572 1170

E-mail: admin@prhpscotland.gov.uk

Services

- Investigating complaints about private landlords and the Repairing Standard
- Mediation Services for dispute resolution

Reid Kerr College
www.reidkerr.net

Renfrew Road, Paisley, PA3 4DR. Phone: 0800 052 7343

E-mail: sservices@reidkerr.ac.uk

Services

- Student accommodation, advice and support services

Shelter Scotland
<http://scotland.shelter.org.uk>

6 South Charlotte Street, Edinburgh, EH2 4AW. Phone: 0808 800 4444

E-mail: info@shelter.org.uk

Services

- Advice on homelessness
- Advice for tenants on the private rented sector
- Information leaflets

University of the West of Scotland
www.paisley.ac.uk

High Street, Paisley, PA1 2BE. Phone: 0141 848 3158/9

E-mail: accommodation@uws.ac.uk

Services

- Student accommodation, advice and support services



Appendices (Plain English Campaign's Crystal Mark does not apply to this appendix.)

Form AT5:
For use only by a Landlord

ASSURED TENANCIES
HOUSING (SCOTLAND) ACT 1988

NOTICE UNDER SECTION 32 TO BE SERVED ON A PROSPECTIVE TENANT OF A SHORT ASSURED TENANCY

IMPORTANT: INFORMATION FOR PROSPECTIVE TENANT(S)
This notice informs you as prospective tenant(s) that the tenancy being offered by the prospective landlord(s) is a short assured tenancy under Section 32 of the Housing (Scotland) Act 1988.

PLEASE READ THIS NOTICE CAREFULLY

Part 1 _____

(name of prospective tenant/s)

Part 2 I your prospective landlord(s)/ I your prospective landlord's agent*

of _____

give notice that the tenancy being offered to you of the house at

(delete as appropriate)
(name of landlord/s)
(address + tel. no. of landlord/s)

(address of house)

Note 1 to prospective tenant/s. To be valid this notice must be served before the creation of a tenancy agreement. A short assured tenancy will not exist if a valid notice has not been served.

to which this notice relates is to be a short assured tenancy in terms of Section 32 of the Housing (Scotland) Act 1988.

SIGNED _____
(Landlord(s) or Landlord(s)'s Agents)

DATED _____

Part 3 Address + telephone number of agents if appropriate

Landlord(s)
Agent: _____

Tenant/s
Agent: _____

Note 2 to prospective tenant. A short assured tenancy is a special form of tenancy. Unless it follows immediately after another short assured tenancy of the same house, (with the same tenant) it must not be for less than 6 months.

Note 3 to prospective tenant/s. A landlord of a short assured tenancy has special rights to repossess the house. If the landlord terminates the tenancy by issuing a valid notice to quit and gives the tenant at least 2 month's notice (or a longer period if the tenancy agreement provides) of his intention to repossess the house the court must grant the landlord an order allowing him to evict the tenant if he applies for one at the end of the tenancy period set out in the tenancy agreement

RENTAL AGREEMENT – SCOTLAND

(For a Furnished House or Flat on a Short Assured Tenancy)

THIS RENTAL AGREEMENT comprises the particulars detailed below and the terms and conditions printed overleaf whereby the Property is hereby let by the Landlord and taken by the Tenant for the Term at the Rent as a Short Assured Tenancy.

The PROPERTY _____

The LANDLORD _____

of _____

The TENANT/S _____

COMMENCEMENT & DURATION:

The tenancy will commence on: _____

and will end on: _____

If the agreement is not brought to end by either party on the above date, it will continue thereafter on a monthly basis until terminated by either party giving no less than 2 months notice to the other party.

The TERM _____ months beginning on _____

The RENT £ _____ monthly/weekly

The Deposit £ _____

The Inventory _____ means the list of the Landlord's possessions at the property which has been signed by the Landlord and the Tenant/s.

DATED _____

SIGNED _____

(The Landlord)

(The Tenant/s)

before Witness _____ Witness _____

FULL NAME _____ FULL NAME _____

Address _____ Address _____

Occupation _____ Occupation _____

IMPORTANT NOTICES TO LANDLORDS:

1. In order to qualify as a Short Assured Tenancy the period of let must be at least 6 months and the tenant must have been given a Notice of a Short Assured Tenancy, Form AT5, in advance of the creation of the tenancy that the tenancy is to be a Short Assured Tenancy.
2. The Tenant must be an individual (not a firm or company) who will occupy the property as his/her main residence.
3. The details of 'The Landlord' near the top of this Agreement should include the full name and address of the Landlord.
4. Always remember to give both (a) written notice to Terminate to the Tenant, two clear months before the end of the Term and (b) formal Notice to Quit at least 40 clear days before the expiry of the Term. These two notices should be sent by recorded delivery post and may be sent at the same time.

SPECIAL NOTES FOR EXISTING TENANTS:

1. If you already have a regulated tenancy, other than a short tenancy, should you give it up and take a new tenancy in the same house/flat or another house/flat owned by the same landlord, that tenancy cannot be a Short Assured Tenancy and this Agreement is not appropriate: your tenancy will continue to be a regulated tenancy.
2. If you have a short tenancy under the Tenant's Rights etc. (Scotland) Act 1990 or the Rent (Scotland) Act 1984 your landlord can offer you a Short Assured Tenancy of the same or another house/flat on the expiry of your existing tenancy.
3. If you are an existing tenant and are uncertain about accepting the proposed Short Assured Tenancy you are strongly advised to consult a solicitor or organisation which gives advice on housing matters.



Tenant checklist

- Check that the landlord is registered with the Council.
- Check if the landlord is accredited with Landlord Accreditation Scotland.
- Make sure you have a written tenancy agreement.
- Make sure you get a receipt for your deposit.
- Find out who the gas and electricity suppliers are. Take meter readings when you move into and leave the property.
- Ask to see a copy of the gas safety certificate.
- Make sure your landlord knows about the Repairing Standard.
- Register for council tax payments or confirm that you don't have to pay (for example if you are a student).
- Pay rent on time and keep a rent book.
- Keep your property clean and tidy.
- Put rubbish out for collection.
- Tell your landlord about any repairs that need to be done to your home.
- Report any antisocial behaviour to the Helpline **0800 169 1283**.
- Let us know if your landlord is trying to evict you illegally.
- Get a copy of the inventory of the house.

Notes





We have produced this booklet as a guide for tenants. We accept no responsibility for any mistakes or missing information in this booklet. You should take advice from a solicitor, a law centre or Citizens Advice Bureau if you want to know more about your legal rights as a private renting tenant.



CUSTOMER SERVICE EXCELLENCE