

Landlord Matters

News for private sector landlords in Renfrewshire

February 2017



The new Private Residential Tenancy (PRT) for Scotland

The Private Housing (Tenancies) (Scotland) Act 2016 was passed by the Scottish Parliament on 17 March 2016 and received Royal Assent on 22 April 2016. The Act is being phased in with some provisions having commenced on 31 October 2016 and all provisions expected to be in place by the end of 2017.

The Act creates a new private residential tenancy to replace the current assured and short assured tenancies in the private rented sector. It is proposed that the new tenancy will improve security for tenants through the introduction of an open ended tenancy with restrictions on the frequency and rate of rent increases as well as providing the required safeguards for landlords and investors.

Key Features of the new Private Residential Tenancy include:

- Open ended tenancy;
- Controls on rent increase frequency and notices;
- Introduction of Rent Pressure Zones;
- Simplified tenancy agreement;
- Streamlined repossession process;
- Removal of the 'no fault' ground for repossession.

The new tenancy is 'open ended', unlike the current Short Assured Tenancy (SAT) there is no limitation to the term of the tenancy, e.g., 6 month or 12 month lease.

Instead the tenancy will continue until either the landlord or tenant provides the appropriate Notice to end the agreement.

Rent increases will be restricted to one in a 12 month period and the tenant must be given three months notice of any increase. Further restrictions on the rate of a rent increase may apply if your property is located within a designated 'Rent Pressure Zone'.

This new power allows the Local Authority to apply to Scottish Ministers for a Rent Pressure Zone in areas where rents are rising too high and causing a detrimental effect on the authority's broader housing system. If approved, the amount rent can increase by will be capped at an amount set by Scottish Ministers.

The process of establishing a tenancy has also been simplified whereby a pre-tenancy notice (AT5) will not be required under the new 'Private Residential Tenancy'. The Scottish Government consulted on the Model Tenancy Agreement between October and

December 2016 and results from the consultation are expected to be available by spring 2017.

The process of terminating a tenancy will also be streamlined; multiple notices to end the tenancy will be replaced with a single 'Notice to Leave'. The no-fault ground for repossession has also been removed and the number of grounds for repossession will increase to 18.

Communication between landlords and tenants could change with the introduction of the new tenancy. The act makes provision for documents and notices to be issued electronically by email on agreement by both the tenant and landlord.



More information on the Private Residential Tenancy and other private tenancy reforms can be found on the Scottish Government Private Renting Policy webpage:

<https://beta.gov.scot/policies/private-renting/private-tenancy-reform/>



Third Party applications to the The First-tier Tribunal for Scotland (Housing and Property Chamber)



Since April 2016 Local Authorities have had additional powers through the Housing (Scotland) Act 2014 allowing third party applications to be made to the The First-tier Tribunal for Scotland (Housing and Property Chamber), formerly the Private Rented Housing Panel, when a private rented property fails to meet the Repairing Standard.

Renfrewshire Council adopted a policy to Support Third Party Applications to the Tribunal in November 2016 which sets out the circumstances in which the Council will undertake to refer Repairing Standard failures.

In the instances where the private rented property is in severe disrepair or where physical fire, gas or electrical safety failures exist the Council will take action to refer the property to the Tribunal. The policy also outlines the criteria in which applications can be made on behalf of a private rented sector tenant where they are considered to be unable to make the application themselves.

How do Third Party Applications work?

To date, Renfrewshire Council have referred 3 cases to the Tribunal; 2 have resulted in a Repairing Standard Enforcement Order being served and a further 30 inspections have been undertaken which could potentially lead to a third party application.

Renfrewshire Council is continuing to work with landlords to resolve issues between themselves and tenants to ensure properties meet the repairing standard.

One of the most common reasons for properties failing the repairing standard is that

A case study from Renfrewshire's Community Resources

A private tenant within Renfrewshire contacted Community Resources in relation to some issues within their private rented property. An inspection was carried out and a number of issues were recorded within the property which failed to meet the Repairing Standard. Renfrewshire Council notified the landlord of the required repairs, providing a 14 day timescale for a response which should outline the timescales for completion of the required works.

No response was received from the private landlord and a Third Party Application was submitted to the The First-tier Tribunal for Scotland (Housing and Property Chamber). The Tribunal conducted their own inspection of the property and a hearing was held on the same day to consider the circumstances of the case. Both the landlord and Officers from Community Resources attended the hearing to provide evidence to the Tribunal. After considering the evidence from both parties the Tribunal took the decision to serve a Repairing Standard Enforcement Order (RSEO) against the property.

The Landlord was also cited to appear in front of the Council's Regulatory Functions Board who will consider if they continue to meet the fit and proper test to remain a registered landlord. This could result in registration being revoked within Renfrewshire and prevent the landlord from legally operating as a private landlord within the local authority boundary.

Where the landlord does not comply with the enforcement order the First-tier Tribunal for Scotland (Housing and Property Chamber) has the power to issue a Rent Relief Order meaning rent charged at the property can be reduced by up to 90%.

they do not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. There is a requirement for smoke alarms to be mains powered and interlinked in accordance with the Scottish Government's Repairing Standard statutory guidance.

 For more information on the powers of the The First-tier Tribunal for Scotland (Housing and Property Chamber) you can visit the website, www.housingandpropertychamber.scot/home



Council Tax

Changes to Reductions for Unoccupied Properties

From 1 April 2013, The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013 came into force providing local authorities the discretionary power to remove the empty property discount or set a council tax increase of 100% on certain properties which have been empty for one year or more.

The changes are a reflection of the Scottish Government's objective to reduce the overall number of empty properties in Scotland. This greater flexibility is intended as an additional tool to help local authorities encourage owners to bring empty properties back into use to increase the supply of housing for those who need homes. Renfrewshire Council approved a change to the council tax discount regime for empty properties from 15 July 2016, which brings the Council in line with other local authorities in Scotland who have also implemented similar changes.

The reductions available for unoccupied properties from 15 July 2016 are as follows:

Unfurnished Properties — 6 months unoccupied & unfurnished exemption, from last date of occupation, followed by 10% empty property discount for another 6 months. A further 12 months 10% discount can be granted if evidence can be provided that the property is being marketed for sale or let.

Furnished Properties — 10% empty property discount from last date of occupation for 12 months. A further 12 months 10% discount can be granted if evidence can be provided that the property is being marketed for sale or let.

Awards of exemptions and discounts are not automatic and must be applied for.

Once the appropriate period of reduction has been used, the property will then be subject to a council tax increase of 100%.

 For further information, please contact the Council's Revenues Team on **0300 300 0300** or email council-tax.finit@renfrewshire.gov.uk



A message from Rent Service Scotland

Rent Service Scotland needs your rent information.

With rent controls on political agendas and downwards pressure on Housing Benefit/Local Housing Allowance via welfare reform it has never been more important to tell Rent Service Scotland what's happening with rents in your area. You can do this by submitting information on 'actual rents' achieved by you.

Postal address:

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

If you can help please complete the form available online at www.gov.scot/Topics/Built-Environment/Housing/privaterent/tenants/Local-Housing-Allowance/market-evidence-form and return to Rent Service Scotland at either the postal address or email address below.

If you prefer to use your own form or provide the information in another way, please feel free to do so. Rent Service Scotland ensures collection, storage, use and disposal of lettings information is strictly controlled to comply with the Data Protection Act 1998.

Email:
rss.dundee@gov.scot



Anti Social Behaviour

All landlords have a responsibility for monitoring and dealing with complaints relating to anti social behaviour by their tenants or their visitors. The Council has a Community Safety Service which investigates complaints against tenants of private landlords.

Community Safety Investigators offer advice and support to landlords on tackling anti social behaviour. The service is available throughout the year with extended operating hours in the summer months. If you need to report an incident out with Renfrewshire Council's Community Safety Service operating hours you should call Police Scotland on 101.

The Council can provide a range of services to help tackle anti social behaviour including the Wardens Service which is available to deal with problems such as dog fouling, litter and fly-tipping. Assistance can also be provided by the Council's Community Safety Mediation Service who can help to resolve low level anti social behaviour disputes between neighbours.

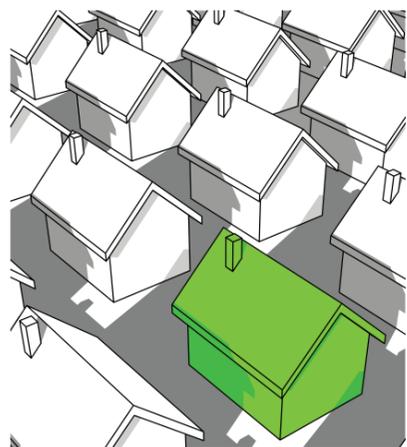
Community Safety Investigators (operating times)

Monday – Thursday	8am – 10pm
Friday & Saturday	8am – Midnight
Sunday	11am – 10pm
During Summer Months	
Monday – Thursday	8am – 11pm
Friday & Saturday	8am – Midnight
Sunday	12noon – 11pm

Tel: 0300 300 0380



Greater emphasis has been placed on the energy performance of housing with the introduction of the Energy Performance Certificate (EPC) in recent years and a rise in fuel prices increasing the number of people living in fuel poverty.



There are a number of benefits to landlords in making your property more energy efficient including:

- achieving higher EPC ratings, which could make properties easier to let;
- more satisfied tenants which may lead to lower turnover of tenancies;
- lower energy bills for tenants which might help to reduce rent arrears;
- meeting energy and heating efficiency standards set for the landlord accreditation scheme;
- reduced levels of fuel poverty experienced by tenants;
- reduced incidence of condensation and dampness; and
- a possible increase in property values.



What financial support is available for landlords?

Home Energy Efficiency Programmes for Scotland (HEEPS) Private Sector Landlords Loan: An interest free loan of up to £15,000 for registered private sector landlords to install a variety of measures such as solid wall insulation, double glazing or new boilers. A maximum of £15,000 is available per property and landlords with multiple properties are eligible for up to £100,000 in total. The repayment period varies based on the amount you intend to borrow but those taking out higher value loans will be able to pay back over ten years.

Renewable Heat Incentive (RHI): Landlords who install or have already installed an eligible renewable heating technology could receive quarterly payments over seven years to help cover the costs through the UK Government's Renewable Heat Incentive.

Free Property Assessments: Private sector landlords can get free, independent, impartial advice from an energy specialist on how to improve the energy efficiency of their tenanted properties. The specialist will visit the property to assess what can be done. A report will then be produced with information about the current energy efficiency of the property and recommendations on how to improve it with the specialist taking you through your options. An assessment of which renewable systems may be suitable can also be undertaken at the same time if you are interested in technologies such as solar PV, heat pumps, and wind turbines.

Feed-in Tariffs (FITs): Landlords who install an electricity-generating technology from a renewable or low-carbon source (such as solar photo voltaic (PV) or wind turbine) could get money from their energy supplier through the UK Government's Feed-in Tariffs scheme.



You can find out more about any of the schemes by contacting Home Energy Scotland on 0808 808 2282 or by visiting their website greenerscotland.org

Regulation of Energy Efficiency in Private Sector Homes (REEPS)

The Scottish Government established the Regulation of Energy Efficiency in Private Sector Homes (REEPS) Working Group to consider regulation issues and help prepare proposals on regulation for consultation.

Although a date for the REEPS report consultation is yet to be confirmed, the Scottish Government has continued to make available funding to support landlords to improve the energy efficiency of their properties.

What support is available to private sector tenants?

Warmer Homes Scotland is designed to help vulnerable people make their homes warmer and more comfortable by installing a range of energy saving measures. The Scottish Government is offering assistance to private sector tenants struggling to heat their home, who have lived in their property for at least six months, and who meet the qualifying criteria. For more information about the scheme, your tenant can contact Home Energy Scotland on 0808 808 2282 or by visiting their website greenerscotland.org



Information and support from Landlord Accreditation Scotland



Landlord Accreditation Scotland (LAS) provides information for private landlords based on Scottish legislation and best practice within the industry. Becoming accredited with LAS, along with regular attendance at courses and information events, provides landlords with knowledge on key issues and how to implement change when required, ensuring they have the confidence to conduct their business in a professional manner.

The range of training courses provided by LAS cover both legislation and best practice in the private rented sector. It can be very difficult to keep track of the changes to legislation which affect our responsibilities as landlords and agents. The courses that are available to you cover all of these responsibilities and are updated in line with ever changing legislation.

Courses held locally in January—March 2017:

CORE STANDARD LEVEL 1

Tenancy Management in partnership with Letting Protection Service Scotland

1 February 2017	Abercorn Conference Centre, Paisley	1.30pm - 4.30pm
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This course looks at a number of topics from starting a tenancy to communication with tenants throughout a tenancy. The course is suitable for landlords and letting agents regardless of the number of properties managed and length of time in the industry.

CORE STANDARD LEVEL 1

Tenancy Agreements and Notices

9 February 2017	Southbank Business Park, Kirkintilloch	1.00pm - 4.00pm
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This course looks at what information should be included in a short assured tenancy agreement or lease document to ensure that the landlord is providing a relevant document for the tenant whilst protecting their interests as a private landlord. The course also provides guidance on preparing and serving notice documents.

The course is suitable for all private landlords and letting agency staff regardless of length of time within the industry. For those who have been dealing with tenancy agreements for some time, this course will serve as a refresher. For those who are new to the industry, this course will give you valuable information on both topics.



How to Book: All courses run by LAS can be found listed on the LAS website and can be booked on-line at:

www.landlordaccreditationscotland.com



Private Landlord Registration Renewals

Remember to renew your landlord registration in time. Your registration lasts for three years from its approval date. You can renew your application up to three months in advance of your current registration expiring.

Renfrewshire Council's Licensing Section will issue electronic reminders to you if an email address has been provided. Failure to renew following reminders will automatically result in a late application fee and could also result in a rent penalty notice being served.

If you are no longer acting as a landlord, you need to inform the Licensing Section so that you can be removed from the register.

All private landlords must register with their local authority to ensure that they are a "fit and proper person" to let property. It is an offence to let any house without being registered or having made a valid application. The maximum fine for operating as an unregistered landlord is £50,000.

i Further information about registration and renewals is available on the website www.landlordregistrationscotland.gov.uk or by contacting the Licensing Section at:

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

Phone: 0300 300 0300



Tenancy Changes? Tell us online

Tell us about tenancy changes online with MyAccount.

Whenever your tenants move in or out, or if your property is unoccupied, simply notify us with MyAccount — your new online customer account with Renfrewshire Council.

When you register for MyAccount you will have access to a variety of online forms. In addition to tenancy updates, you can view and manage your rent and council tax account(s), upload supporting documentation and keep track of all payments and adjustments made.

i For more information on MyAccount, or to register, visit our website at www.renfrewshire.gov.uk/tenancychanges

Why it's better with MyAccount

- Council Tax details updated in one working day
- new Council Tax bill issued quickly
- no more calls or queues
- no paper forms or postage



Useful Telephone Numbers

Private Landlord Registration	0300 300 0300 (option 4)	Owner Services	0300 300 0222 (option 3)
Housing Benefits (LHA)	0300 300 0204	Environmental Services	0300 300 0380
Community Safety Investigators (Anti Social Behaviour)	0300 300 0380 (option 1)	Police Scotland	101
Deposit Guarantee Scheme	0141 618 5807	Rent Service Scotland	0300 244 7000
		Crimestoppers	0800 555 111

i Renfrewshire Council's Customer Service and Contact Centre opening times:

Monday–Thursday	08:45–16:45	Friday	08:45–15:55
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Housing Advice and Homeless Services

Deposit Guarantee Scheme

0141 618 5807

Are you a landlord? Got a property to let? The Deposit Guarantee Scheme can help.

Benefits:

- No fees or charges
- Apply for direct payments of rent to landlord
- We can prepare the lease and all other necessary documents
- We identify tenants (and arrange a meeting in advance if requested)
- Inspection and photographic inventory taken of your property before tenant moves in
- Regular home visits to ensure your property is being looked after
- Advice and support throughout duration of the guarantee period.

The Deposit Guarantee Scheme is designed to support landlords in filling their properties by providing a written bond in place of a cash deposit. Tenants then pay the deposit to the landlord over the course of the initial lease.

To register or find out more call: **0141 618 5807**

Or email: preventionsteam.hps@renfrewshire.gov.uk

www.renfrewshire.gov.uk

