

Private Landlord's newsletter

OCT
2016

Private rented housing panel - third party applications

At the start of a tenancy you must inform your tenant about the Repairing Standard. This duty is met by giving new tenants a Tenant Information Pack. As a Landlord you have a duty to carry out repairs at the start of a tenancy and at all times during a tenancy.

A house meets the Repairing Standard if:

- the house is wind and watertight and reasonably fit for human habitation
- the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order
- installations for the supply of water, gas and electricity, sanitation, space heating and heating water are in a reasonable state of repair and proper working order
- fixtures, fittings and appliances provided under the tenancy are in a reasonable state of repair and proper working order
- any furnishings provided by the Landlord are capable of being used safely for the purpose for which they are designed
- The house has satisfactory provision for detecting fires and giving warning in the event of a fire
- The house has satisfactory provision for giving warning if Carbon Monoxide (CO) is present in a concentration that is hazardous to health

From 1 December 2015 the Repairing Standard was strengthened with the requirement that regular Electrical Safety inspections are undertaken.

New from 1 June 2016

West Dunbartonshire Council (as a Third Party) will be able to make an application to the Private Rented Housing Panel (PRHP) in the same manner as a tenant.

Why are local authorities able to do this?

There are occasions where we are aware that tenants are reluctant to refer cases to the Private Rented Housing Panel. For example, some tenants

have concerns that taking such action may place their tenancy at risk.

Another example is where a neighbour is being affected by poor conditions in a private home but the tenant is unwilling to engage. The Council can take action to ensure that properties meet the Repairing Standard.

What does this mean for landlords?

If we have notified you of repair work needed to ensure that a property meets the repairing standard and this has not been completed, the Council can make a Third Party application to the PRHP.

What will the PRHP do?

There are certain processes that the PRHP must follow. If the PRHP make a decision that a landlord has not complied with their recommendations, they can serve a Repairing Standard Enforcement Order (RSEO) requiring repairs to be carried out.

If landlords fail to comply with a RSEO they may be served with a Rent Relief Order, which can reduce the rent due on a property by up to 90% until such time as the repairs have been carried out.

All Landlords and Letting Agents are advised to read the guidance in full to familiarise themselves with the detail of the requirements. The full guidance can be found on the PRHP website:

<https://www.prhpscotland.gov.uk/repairs-application-and-guidance>

Right of entry to your property

Private landlords who have difficulty gaining access to inspect, or to carry out work on their property can now make an application to the Private Rented Housing Panel (PRHP) for assistance in exercising their right of entry. Guidance on the process and an application form is available at:

<https://www.prhpscotland.gov.uk/right-entry-faqs>

Letting Agent Code of Practice approved by the Scottish Parliament

The Scottish Parliament has approved the Code of Practice for letting agents operating in Scotland. This sets out the standards of practice letting agents must meet, a requirement to hold client money protection and professional indemnity insurance and comes into force on 31 January 2018.

MSPs approve The Private Housing (Tenancies) (Scotland) Bill

MSPs have approved The Private Housing (Tenancies) Bill, which offers more protection to tenants, new powers for repossession properties for landlords and gives Local Authorities new powers to implement rent control in specific areas. The major points are:

- a streamlined system with no confusing pre-tenancy notices, modernised grounds for repossession and new tenancy agreements
- tenants can no longer be asked to leave their home simply because the tenancy has reached its end date - the "no fault" ground will not exist
- landlords will have more protection for repossession their property, such as the intention to sell, to move in themselves or the if tenant has abandoned the property
- rent increases limited to only one per year, with three months' notice in advance to tenants
- the opportunity for local authorities to implement rent controls in areas where there are excessive increases in rents and a concern about the impact this is having on tenants and the wider housing system
- removal of any initial tenancy period of rent before a tenant can give notice to end the lease.

Council launches Trusted Trader Scheme

A Trusted Trader Scheme has been launched to help protect residents from rogue businesses, and the Council believes this could be a useful resource to landlords and their tenants.

The scheme aims to increase consumer confidence and promote good practice within local home improvements businesses. Trading Standards believe it will also help protect people from doorstep crime.

A dedicated website has been set up which will provide residents with details of the approved traders, who all go through a strict vetting process by the Council's Trading Standards team.

Another crucial aspect of the scheme is the ability for customers to provide regular feedback on the service they received to allow other residents to view comments on the standard of work provided.

We appreciate that some landlords will deal with many simple repairs or improvements to their properties themselves, and some will even take on the big jobs. But when outside help is required a Trusted Trader may be just what you need.

Tony Cairns, Trading Standards Service Co-ordinator, said:

“When landlords are notified of repairs needing carried out, from a leaking tap to building safety works, it is essential that they can engage a reputable and reliable trader. To be accepted onto the Trusted Trader scheme, the businesses needs to pass a strict vetting procedure by Trading Standards and maintain a high level of customer satisfaction. Prospective customers are encouraged to check a trader’s feedback online and choose the one that they think will best meet their needs. I would encourage any landlord needing work done on their property to consider engaging a ‘Trusted Trader’.”

Membership is open both to firms based in West Dunbartonshire and those which regularly work in the local area, with the scheme initially available to any business providing home improvement services such as roofing, joinery, plumbing, double glazing, fitted kitchens, locksmiths, handyman services and driveways.

So far 16 businesses have been approved to be part of the scheme, with a number of other applications still being assessed.

Graham Pollock, Manager of Regulatory Services, said:

“This scheme will not only help to protect customers but will also help smaller businesses to grow their reputation throughout the area. The scheme is based on customers supplying feedback that will be displayed on a dedicated website for other consumers to read, so it will provide residents with recommendations they can put their confidence in. It’s an excellent scheme to be a part of and we are encouraging more businesses to apply. Residents can also have work carried out with confidence, knowing that the business is part of the West Dunbartonshire Trusted Trader Scheme.”

Welcoming being part of the new scheme, Scott Collins, Director of Nestor Building Services based in Alexandria, said: “We are quite a small company and try to give a good product to our customers so to be part of a scheme like this can only help the local community. It should give confidence to people because they can look at the comments of previous customers who will hopefully provide positive feedback on the service they received. I think that being part of this will really help us.”

Find out more information about the Trusted Trader Scheme

Landlord responsibilities - what you need to know

The responsibilities associated with being a landlord can be quite daunting, to new landlords and those who have been letting for some time.

The Scottish Government has produced a Summary of private landlords’ responsibilities when letting property as a useful guide:

<http://www.gov.scot/Topics/Built-Environment/Housing/privaterent/landlords/Summary-private-landlord-responsibilities>

New Energy Performance Certificate (EPC) search facility

Anyone wishing to view or print a copy of an Energy Performance Certificate (EPC) can now do so by using a simple postcode search facility on the EPC register at:

www.scottishepcregister.org.uk

This will be of benefit to landlords who have misplaced their EPC or letting agents who require a copy of a certificate for a managed property. EPCs are valid for rental purposes for 10 years.

Legal first as Largs letting agent fined for deposit breach

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Landlords face court action over failing to protect tenants’ deposits after a letting agent became the first in Scotland to be prosecuted for breaching rules.

Colvin Houston Ltd, of Largs, was fined £500 after becoming the first to be prosecuted under regulations that requires all landlords in Scotland to transfer deposits to an independent third party. North Ayrshire Council said the landmark ruling at Kilmarnock Sheriff Court could now have a “massive impact” for people renting properties across Scotland.

After the Tenancy Deposit Schemes (Scotland) Regulations 2011 came into force, landlords and letting agents had until May 2013 to lodge all deposits.

It was hoped an initiative to bring in three Government-approved schemes to protect deposits four years ago, which are free for landlords and letting agents, would prevent agents holding on to money on false grounds.

But the schemes are estimated to be only catching about 40 per cent of all deposits. The new prosecution, triggered by North Ayrshire Council’s Trading Standards team, is said to be the first to be successful since the rules were introduced five years ago.

The council said housing legislation primarily places the responsibility for securing deposits on landlords. But consumer protection legislation was used in this instance, a first, to hold a letting agent responsible for the deposits it took on behalf of its landlords.

Police Scotland advice for landlords and tenants

Serious Organised Crime affects every community.

Members of Organised Crime Groups are ruthless, selfish and bring misery to people's lives. They use businesses both to launder proceeds of previous crimes and to facilitate their continuing criminality.

Certain business sectors are particularly appealing to Serious Organised Crime Groups, the property rental sector being one.

Properties can be used for cannabis cultivation, sexual exploitation, accommodating trafficked persons, as unlicensed Houses of Multiple Occupation and be let by unregistered landlords.

This can impact negatively on tenants, landlords and letting agents who conduct their business in a lawful manner and undermine their commercial competitiveness.

Operation Thero is Police Scotland's overarching investigation into the property rental and development sector targeting businesses with links to Organised Crime.

Information and advice can be accessed from the links below to help raise awareness and reduce the vulnerability of individuals, properties and businesses.

Human trafficking: how a landlord can help

Police Scotland is calling on landlords to help tackle human trafficking in Scotland by being aware and alert to the problem in our communities.

Cannabis cultivation: What should I know as a Landlord?

Information for landlords regarding the signs of commercial cannabis cultivation and what steps you can take to protect yourself and your property.

Under one roof website launched

Under One Roof is a new website designed to help private flat owners in Scotland with the complex and important task of carrying out repairs to their shared properties.

This new website will provide free and impartial advice to private flat owners and factors to help them understand their obligations when it comes to property and shared spaces. Advice on working well with your neighbours, how you can enforce repairs and hints and tips on buying, selling, renting and improving your home can all be found on this website.

www.underoneroof.scot

Additional information for landlords

If you're a landlord letting out your own property in Scotland, you must register with Landlord Registration central online system for Scotland.

<https://www.gov.uk/registration-for-private-landlords-scotland>

You must have a licence to rent out your property as a house in multiple occupation (HMO) in Scotland.

A house in multiple occupation (HMO) is a property rented out by at least 3 (unrelated) people who share the bathroom or toilet and kitchen. It can also be known as a house share.

<https://www.gov.uk/house-in-multiple-occupation-licence-scotland>

The Repairing Standard

Contained in the Housing (Scotland) Act 2006, covers the legal and contractual obligations of private landlords to ensure that a property meets a minimum physical standard.

<http://www.gov.scot/Topics/Built-Environment/Housing/privaterent/landlords/repairing-standard>

Safeguarding Tenancy Deposits

A tenancy deposit scheme is a scheme provided by an independent third party to protect deposits until they are due to be repaid.

<http://www.gov.scot/Topics/Built-Environment/Housing/privaterent/landlords/tenancy-deposit-schemes>

The Tenant Information Pack

Provides important information to tenants who rent their homes privately. From 1 May 2013, landlords have a legal duty to provide new tenants with this pack.

<http://www.gov.scot/Topics/Built-Environment/Housing/privaterent/landlords/tenancy-deposit-schemes>

Useful links

- [Crimestoppers](#)
- [Scottish Association of Landlords](#)
- [Shelter Scotland](#)
- [Scottish Business Resilience Centre](#)
- [Citizens Advice Scotland](#)
- [Private Rented Housing Panel](#)
- [Scottish Government Landlord Registration](#)
- [Police Scotland - Contact Us](#)
- [Get Safe Online - Safe Property Rental](#)

For further information, please contact:

Community Health Protection Group
West Dunbartonshire Council, Council Offices,
Aurora House, 3 Aurora Avenue, Queens Quay,
Clydebank, G81 1BF
Tel: **0141 951 7957**
Email: environmental.health@west-dunbarton.gov.uk

Other formats

This document can be provided in large print, Braille or on audio cassette and can be translated into different community languages.

Please contact: Corporate Communications, Council Offices,
Garshake Road, Dumbarton, G82 3PU. Tel: **01389 737000**

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。
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