

A guide to private renting



Proper Property Ltd

FOR RENT

Advice and information for
private tenants in Renfrewshire


Renfrewshire
Council

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Introduction

This guide offers an overview of private rented tenancy laws and your rights under these laws.

If you are renting or planning on renting a private home in Renfrewshire this guide will give you all the information you need to best understand your tenancy rights and responsibilities.

Today there are more than 9,000 homes in Renfrewshire let by private landlords. More and more of these homes are let by letting agents on behalf of the owners of the home. Letting agents mostly run their businesses from town centre offices.

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

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.

Renfrewshire Council will help 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, including in some circumstances, making an application on your behalf to the Housing and Property Chamber First-tier Tribunal.

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

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

All tenants should:

- be able to get repairs done to their homes;
- have a secure tenancy;
- have their deposits placed in an approved tenancy deposit scheme; and
- have a tenancy agreement.

Checking whether your landlord is registered

Most private landlords have to register as landlords with their council by law and from October 2018 Letting Agents must be registered with the Scottish Government.

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 **0300 300 0300** or by checking online at: **www.landlordregistrationscotland.gov.uk**.

If the home is registered with us, we will give you details of who owns and lets out the property.

It is against the law for a landlord to let property without being registered. Landlords can be fined up to £50,000 if they fail to register.

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

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.

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 and that they manage their properties well.

You can find lists of accredited landlords either on the landlord accreditation website, or by direct contact with the scheme.

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 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. It is a criminal offence for a landlord to operate an HMO without a licence, and they could be fined up to £50,000 if they do so.

Private Residential Tenancy

From 1 December 2017 all new private tenancy agreements will be Private Residential Tenancies.

This new tenancy agreement ends the use of Assured and Short Assured Tenancy agreements.

The tenancy is open-ended, with no end date meaning your landlord cannot ask you to leave simply because you have been in the property for a set period of time.

The new tenancy limits the number of rent increases to only once in a 12 month period, it also increases the notice period a landlord must give before serving a 'notice to leave' to 84 days if you have lived in the property for 6 months or more.

A tenants guide to the new Private Residential Tenancy is available on the Scottish Government website.

Tenancy agreements

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

Most tenants who moved into a private rental property before 1 December 2017 will 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).

All tenants with a Short Assured Tenancy agreed before 1 December 2017 will keep this tenancy agreement until the landlord decides to renew it to the new Private Residential Tenancy. The Scottish Government have developed a model tenancy agreement for the private residential tenancy which is available on their website.

If your landlord decides to use the model tenancy agreement they must also give you a copy of the 'Easy Read Notes for the Scottish Government Model Private Residential Tenancy Agreement' which provides you with the 9 tenancy terms your landlord has to include in your tenancy by law.

These 9 tenancy terms surround:

- **Rent receipts**—if you pay your rent in cash your landlord must provide you with a written receipt.

- **Rent increases**—your rent can only go up once per year and your landlord must give you 3 months notice. Rent increases can be disputed through the Rent Officer if you think the increase is unfair.
- **Subletting/Other residents**—the agreement will normally only give permission for the tenant(s) named on the agreement to live in the property. However, if you want to allow someone else to live in the property you must seek permission from your landlord.
- **Access for repairs**—you must let your landlord access the property for 'authorised purposes' such as to carry out repairs. Your landlord must give you at least 48 hours notice unless it is an emergency repair.
- **Ending the tenancy**—you must give your landlord 4 weeks notice of your intention to terminate your tenancy.

If you are not sure about anything in the tenancy agreement you are being asked to sign, you should get advice from a citizens advice bureau or any advice works office before you do sign it.



Conditions of tenancy

Your Private Residential Tenancy gives you greater security of tenure, allowing you to live in the property for as long as you want.

During your tenancy your landlord or agent will expect you to:

- look after your home, taking care of all furnishing 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;
- pay rent on time;
- pay all gas, electric, council tax, water and sewerage charge (unless these are part of your rent);
- report all emergency and general repairs;
- behave responsibly;
- report to the Community Safety Investigators (**0300 300 0380**) anyone who behaves antisocially towards you; and
- keep to any other conditions in your tenancy agreement.

Tenancy Deposit and Tenancy Deposit Schemes

In private rented accommodation, it is likely you will have to pay a deposit. You should expect to pay up to two months rent in advance. This is held until the end of the tenancy when it will be repaid providing you are up to date with rent and have not caused any damage.

Landlords have a legal duty to pay any deposit received into an approved independent tenancy deposit scheme. There are currently three scheme providers in Scotland; Letting Protection Service Scotland; SafeDeposits Scotland and Mydeposits Scotland.

The aim of these schemes is to protect tenants' deposits until they are due to be repaid. Each provider also offers a dispute resolution service which can help if you and your landlord do not agree about the amount of deposit to be returned.

Your landlord should provide information about your deposit, a receipt for it and confirm the name and contact details of the scheme holding the deposit.

Inventories

An inventory is a list of everything in the property you are renting and its condition.

An inventory is useful as it can help you avoid a dispute over your deposit when you move out. Ask your landlord to provide one.

Check the inventory before you sign it, making a note of anything damaged, broken or worn. Make sure everything in the property is listed, and once you and your landlord are sure it's correct, you should both sign it.

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 by contacting Advice Works.

You can find out more about advice services available within Renfrewshire on the Advice Renfrewshire website advicerenfrewshire.org/

Local Housing Allowance/ Universal Credit housing costs

If you need financial help with your rent costs, you may be eligible for Local Housing Allowance (LHA) or housing costs within your Universal Credit entitlement. Local Housing Allowance rates are set every year. The amount of Local Housing Allowance you get is based on the size of your household, your income and that of other people who stay with you.

In most cases your Local Housing Allowance entitlement will be paid directly to you, however you can request that your Universal Credit housing costs be paid directly to your landlord. In some cases the amount of LHA you receive will not cover your full rent.

It is your responsibility to make sure that you pay all of your rent to your landlord.

Some landlords may not agree to let a home to you if you receive Local Housing Allowance. You should check that your landlord will agree to let to you.

You can find out more about the current LHA rates from our benefits team on 0300 300 0204 or on our website at www.renfrewshire.gov.uk.



Council Tax

Council Tax charges

Most tenants will have to pay Council Tax charges for the property they rent.

A landlord should be able to tell you about your responsibilities for Council Tax charges and the rate.

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.

To find out more about Council Tax charges contact the council on **0300 300 0300**.

Council Tax Reduction Scheme

The Council Tax Reduction Scheme can reduce all or part of your Council Tax. It cannot help with charges for water and sewerage set by Scottish Water.

You may get Council Tax Reduction if you are on a low income or claiming benefits.

How much of a reduction you get depends on:

- your household income - this includes things like savings, pension, your partner's income;
- if your children live with you; and
- if other adults live with you.

To find out if you are eligible phone **0300 300 0204**.

Energy services

Energy Performance Certificate

An Energy Performance Certificate (EPC) shows a property's energy efficiency. This can help you to estimate your fuel bills. A landlord has to provide this to tenants and must provide it to prospective tenants who ask for it.

Fuel Bills

Tenants are generally responsible for the utility bills. You should check with the landlord who supplies energy to the home, register with that energy supplier and provide a meter reading. You can then choose to switch energy companies if you prefer.

If your landlord can't provide details, contact the 'M Number Enquiry Line' on **0870 608 1524** who can tell you who the current gas supplier is.

Fuel bills are among the largest bills you will have to pay. You should always look for ways to keep costs down. Installing insulation (such as draught-proofing, loft and cavity insulation) is one way of reducing energy costs. You should always ask your landlord for permission before arranging any work but they should not refuse to let you carry out work to insulate your home.

Home Energy Scotland can provide you with free impartial advice about heating and insulating your home, saving energy and cutting costs. You can contact them on **0808 808 2282**.

Gas Safety

If your property has a gas heating or appliances, your landlord must make sure that they are safe for you to use. They must arrange for a Gas Safe registered engineer to carry out a gas safety check every year and provide you with a copy of the gas safety certificate. If your landlord does not provide you with a safety certificate you can contact the Health and Safety Executive for advice. See www.hse.gov.uk/contact for further information.

If you know that your gas installations or pipework are defective, you must tell your landlord or letting agent. You must never use appliances that are condemned or unsafe.



Energy services (continued)

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 it off, 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 13) and you may be able to get help from the Housing and Property Chamber First-tier Tribunal (page 14).

Repairing Standard

The Repairing Standard is a basic level of repair which all private rented accommodation must reach. Landlords are responsible for:

- making sure that the property is wind and watertight and that the structure and outside of the property are in a reasonable condition;
- maintaining the installations for the supply of water, gas, electricity, heating and heating water and making sure that these are in a reasonable state of repair and in proper working order;
- ensuring any furnishings they provide are safe and capable of being used for the purpose intended; and
- installing hard wired, mains-powered smoke detectors—at least one detector on each floor of the property and carbon monoxide detectors where the property has a combustible device such as a boiler or gas fire.

Your landlord should provide you details of the Repairing Standard in your Tenant Information Pack.

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 sign of poisoning such as headaches, nausea or drowsiness. You should never use a gas appliance if you suspect it is unsafe. If your private rented property has a combustible device (such as a boiler or gas fire) your landlord must fit a carbon monoxide detector that can warn you if carbon monoxide levels in the property become unsafe.

Smoke Detectors

Your landlord must supply working mains-powered smoke detectors in the home you rent. There should be at least one working smoke detector 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.

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



Housing and Property Chamber First-tier Tribunal

The Housing and Property Chamber First-tier Tribunal investigates complaints about landlords and property conditions. It has the powers to make sure that private landlords carry out repairs so that properties meet the "Repairing Standard".

If the property doesn't meet the Repairing Standard, you should always ask your landlord to carry out the necessary work. If the landlord refuses to carry out the necessary work, then you can report your landlord to the Housing and Property Chamber.

Renfrewshire Council can report a private landlord to the Chamber on behalf of a tenant in certain circumstances where the tenant cannot make a report themselves.

Where the Housing and Property Chamber establish that the landlord has not met the requirements of the repairing standard or complied with their duties set out in relevant housing law, they can take enforcement action which might include serving a Repairing Standard Enforcement Order and Rent Relief Orders.

Antisocial behaviour

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

- wardens from Renfrewshire Community Safety Service who patrol the streets and can identify anti-social behaviour problems at an early stage; and
- Community Safety investigators, who tackle residents' problems.

If you want to report antisocial behaviour contact Community Safety Investigators on 0300 300 0380.

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
- if you have a Private Residential Tenancy; sending you a 'Notice to Leave'
- if you have a Short Assured Tenancy ; issuing you a 'Notice to Quit'

It is a criminal offence to force a tenant out of their home by intimidating them, being violent towards 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.

Conclusion

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 meetings, produce newsletters and offer workshops and training for landlords.

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

Private renting tenants are important in helping to maintain and improve the quality and standards of private renting in Renfrewshire, keeping landlords informed of repairs and maintenance concerns, being good neighbours and sharing experiences with other private tenants.



Useful contact organisations

Advice Renfrewshire

www.advicerenfrewshire.org

Phone: 0808 164 2922

Services

- Free, confidential, impartial advice in Renfrewshire.

Advice Works

www.renfrewshire.gov.uk

Phone: 0300 300 1238

Email: adviceworks@renfrewshire.gov.uk

Services

- General advice about benefits and looking after your money

Community Safety Investigators

www.renfrewshire.gov.uk

Phone: 0300 300 0380

Email: antisocial.hps@renfrewshire.gov.uk

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

7 Glasgow Road, Paisley, PA1 3QS. Phone 0141 889 2121

Email: bureau@paisleycab.casonline.org.uk

Services

- General advice on benefits, money and housing

Council Tax Enquiries

www.renfrewshire.gov.uk

Renfrewshire House, Cotton Street, Paisley, PA1 1AD. Phone: 0300 300 0300

Email: 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 1AD. Phone: 0141 618 7515

Email: emu@renfrewshire.gov.uk

Services

- Energy advice and information



Health and Safety Executive
www.hse.gov.uk

Services

- Information on gas safety for tenants. Online form to report to HSE if your landlord will not provide a copy of the gas safety certificate for the property you rent.

Housing Advice
www.renfrewshire.gov.uk

15 Abercorn Street, Paisley PA3 4AA.
Phone: 0300 300 0222 Out of hours: 0800 121 4466

Email: housingadvice.hps@renfrewshire.gov.uk

Services

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

Housing and Property Chamber First-tier Tribunal for Scotland
www.housingandpropertychamber.scot/

4th Floor, 1 Atlantic Quay, 45 Robertson Street, Glasgow, G2 8JB
Phone: 0141 302 5900

Services

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

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

Renfrewshire House, Cotton Street, Paisley, PA1 1JD. Phone: 0300 300 0380

Email: e-prot.es@renfrewshire.gov.uk

Services

- Information about licensed HMO accommodation in Renfrewshire

Landlord Accreditation Scotland Ltd
www.landlordaccreditationscotland.com

Hopetoun Gate, 8B McDonald Road, Edinburgh EH7 4LZ.
Phone: 0131 553 2211

Email: 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: 0300 300 0204

Email: benefits.finit@renfrewshire.gov.uk

Services

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

Renfrewshire Law Centre
www.rlclaw.co.uk

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

Services

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

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

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

Email: info@shelter.org.uk

Services

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

Tenancy Deposit Schemes
www.renfrewshire.gov.uk

Letting Protection Service Scotland: 0330 303 0031

SafeDeposits Scotland: 0333 321 3136

Mydeposits Scotland: 0333 321 9402

Services

- Contact the deposit scheme directly for more information or advice about your deposit

West College Scotland
www.westcollegescotland.ac.uk

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

Email: info@wcs.ac.uk

Services

- Student accommodation, advice and support services

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

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

Email: accommodation@uws.ac.uk

Services

- Student accommodation, advice and support services



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* _____

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

of _____

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

(address of house)

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 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.

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

Scottish Government Model Private Residential Tenancy Agreement

For the Private Rented Sector

October 2017



Tenant checklist

- Check that the landlord is registered with the Council.
 - Make sure you have a written tenancy agreement.
 - Get a receipt for your deposit. Your landlord should tell you which tenancy deposit scheme they are placing it in.
 - Make you sure you are given a Tenant Information Pack.
 - Get a copy of the inventory of the house.
 - 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.
 - 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 Community Safety Investigators on 0300 300 0380.
 - Let us know if your landlord is trying to evict you illegally.
- Landlords must ensure the property they let is up to a minimum standard and a safe place to live.
The property must:
 - be wind and water tight
 - be structurally and externally in a reasonable condition
 - have installations for the supply of water, gas, electricity, and for sanitation, space heating and heating water in a reasonable state of repair and in working order
 - have any fixtures, fittings or appliances provided by the landlords be in a reasonable state of repair and in working order
 - have any furnishings provided by the landlord be capable of being used for the purpose intended
 - have working smoke alarms
 - have a working carbon monoxide detector



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.



