

Dundee Landlord eNewsletter

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DLA AWARENESS SEMINAR

Topics: Letting Agent Register
& Serious Organised Crime groups

Date: Monday 12th June, 2017

Time: 3.30pm – 5pm

Venue: The Steps Theatre, within Central Library, Wellgate Centre,
Dundee DD1 2DB

Cost: FREE

Do you use a letting agent for your property, or are you a letting agent? If so, there are a few changes coming that you should be aware of. The Housing (Scotland) Act 2014 introduces a new framework for the regulation of letting agents in Scotland. Once implemented, letting agents will be required to abide by a statutory Code of Practice and to be listed on a public register, whilst key individuals will also be required to meet a new minimum level of training. Any complaints where the Code has been breached will be heard by a new specialist Housing Tribunal. These measures will give landlords and tenants confidence in the standard of service they should expect and the means to challenge poor practice where it occurs.

Come along to hear more from the Scottish Government about what letting agent regulation will mean for agents, landlords and tenants. You can read further information before the seminar at: <https://www.mygov.scot/letting-agent-registration/>

Police Scotland will also be in attendance, raising awareness in relation to Serious Organised Crime groups utilising privately rented properties to facilitate their criminality.

To book your seat email dla@dundeecity.gov.uk or telephone (01382) 307118 and add the date to your diary!

FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)

With effect from 1 December 2016, the Private Rented Housing Panel which dealt with disputes arising from the Repairing Standard, and with certain rental disputes, was abolished and replaced by the First Tier Tribunal for Scotland (Housing and Property Chamber).

This change has led to some changes to the various forms used in assured tenancies and short assured tenancies. Revised versions of all the forms can be found here including the new versions of forms AT5 and AT6.

<http://www.legislation.gov.uk/ssi/2016/339/schedule/2/made>

As you will be aware, the AT5 has to be served on a tenant prior to the commencement and creation of the tenancy, in order to create a Short Assured Tenancy. **Please note, if the old version of the AT5 is used then you may be setting up an Assured Tenancy, as the Form AT5 will not have been issued in the correct prescribed form.**

The Tenant Information Pack has also been revised (primarily to ensure they refer to the new First-Tier Tribunal for Scotland Housing & Property Chamber, rather than the current Private Rented Housing Panel). The new Tenant Information Pack can be found here: <http://www.gov.scot/Publications/2016/12/4614/downloads#res510472>

PRIVATE RESIDENTIAL TENANCY

The Private Housing (Tenancies) (Scotland) Act 2016 will introduce a new type of tenancy, known as 'Private Residential Tenancy', expected to commence December 2017. Once the Act comes into force, any new tenancy granted will be a private residential tenancy as long as the property is let to a person as a separate dwelling, the tenant lives in it as their only or main home and the tenancy isn't excluded under schedule 1 of the Act.

The purpose of the private residential tenancy is to improve security for tenants and provide safeguards for landlord, lenders and investors. This new tenancy will be open ended, lasting until the tenant wishes to leave the let property, or the landlord uses one (or more) of the grounds for eviction.

Further information can be found at: <https://beta.gov.scot/publications/private-residential-tenancies-landlords-guide/>

We intend to run a landlord seminar covering this new type of tenancy later in the year.

ENERGY EFFICIENCY AND CONDITION STANDARDS IN PRIVATE RENTED HOUSING

The Scottish Government are proposing to set minimum standards in relation to energy efficiency for private let properties in Scotland.

The proposal includes, that any property let from 1 April 2019 must have an EPC rating of E or higher. It is further proposed, that any property let from 1 April 2022 the EPC rating must be D or higher.

Additionally, the Scottish Government are looking to alter the Repairing Standard to increase the number of areas that are covered. This includes kitchens, central

heating, food storage, lead free pipes, secure common entry, asbestos, sound insulation to name a few. Every landlord should be aware of these proposals to allow them to assess the impact to their business.

This is currently in the consultation period which will give you the opportunity to put your views to the Scottish Government on their proposal.

The full proposal and consultation document is available at <http://www.gov.scot/Publications/2017/04/2510/0> Replies to the consultation must be submitted prior to 30 June 2017.

ARE YOU INTERESTED IN SELLING OR PURCHASING A LONG TERM EMPTY HOME?

The Dundee City Council Empty Homes Initiative continues to develop encouragingly, and has helped to bring back 31 long term unoccupied properties back into residential use. Recently they have introduced the Dundee Property Matchmaker Scheme. This service has been introduced to help prospective buyers and sellers of empty properties find each other easily.

The Empty Homes Officer, Sean Maxwell, now holds two lists; one of potential buyers and one of owners interested in selling their empty property. These lists include information relating to the property type, approximate purchase price, as well as an advisory list of works that needs to be carried out.

Not all empty home owners have the time, or money available, to return a property to use. Sometimes the best solution is to sell the property to someone who can. Whether an empty home needs repair, or is 'ready-to-move-in', all long term empty home owners are eligible to sign up with the property matchmaker scheme. When the Empty Homes Officer spots a match between an empty home for sale and a buyers highlighted requirements, the empty home owner and interested buyer will receive each other's contact details to take communication forward.

Sean continues to provide owners of long term unoccupied properties in Dundee with advice and assistance. With other available incentives including: access to discounted rates within a number of national builders merchants; VAT reductions on eligible renovations; as well as discretion related to the Council Tax unoccupied additional surcharge.

If you are an empty home owner who would be interested in receiving further information, or an interested buyer who would like to sign up to this scheme then please do not hesitate to contact the Dundee City Council Empty Homes Officer on: Tel: 01382 433178 / 07947744718 or email: Sean.Maxwell@dundeecity.gov.uk

FREE LANDLORD RESOURCES

Trying to remember, and keep on top of all your duties as a landlord can be daunting. To assist you our Private Landlord Support Officer has produced a 'Private Landlord Checklist', 'HMO Factsheet', 'Checking Out Checklist' and also a new 'What to look for in a Letting Agent Factsheet'. These are free resources available to all landlords and letting agents.

To request your copy either email Laura.Fairlie@dundeecity.gov.uk or telephone 01382 433236 / 07496685928.

SUPPORT FOR DUNDEE'S PRIVATE LANDLORDS

Laura Fairlie continues to offer tailored support to private landlords across the city, through providing one off information, working together on a one to one basis, or on a longer term basis going through a 'development plan'. Here, Laura gives an insight into her work with a Dundee Landlord.

I recently worked through a Development Plan with a landlord that was keen to improve their knowledge. Areas that we concentrated on included issuing the Tenant Information Pack, the AT5 and Tenancy Agreements, the use of Key Agreements, Legionnaires risk assessment content, the importance of using a thorough inventory and repossession procedures.

Through studying the material I provided, plus undertaking Shelter Scotland online e-Learning (more info available <https://store.scotland.shelter.org.uk/product?catalog=PRS-Introduction-for-Landlords>), the landlord improved their knowledge across a range of categories such as tenancy management, property maintenance and repossession protocol.

To find out more, or seek some assistance, please contact Laura by email Laura.Fairlie@dundeecity.gov.uk or telephone 01382 433236 / 07496685928.

**** LANDLORDS REMEMBER ****

- **Gas Safety.** The landlord must have the gas supply and any gas appliances provided, checked and certified annually by a Gas Safe engineer. A copy of the certificate must be given to the tenant.
- **Smoke Alarms.** All rented properties must have one hardwired smoke alarm in the principal room, one in every hallway and landing, a heat alarm in the kitchen. All alarms should be interlinked. Revised guidance was issued in October 2013 and is available from the Private Rented Housing Panel website: <https://www.prhpscotland.gov.uk/>
- **Repairing Standard.** A landlord has a duty to repair and maintain the property at the start of the tenancy and at all times during the tenancy, including a duty to make good any damage caused by carrying out this work.
- **Houses of Multiple Occupation (HMO's).** Properties shared by 3 or more individuals (from more than 2 families) must have a current HMO Licence. Telephone 0800 0853 638 for more information.
- **Tenancy Deposit Schemes.** Landlords must pay their tenant's deposits into an approved tenancy deposit scheme and provide the tenant with key information about the tenancy and deposit.
- **Agents.** On 31 August 2011, it became an offence for landlords not to notify the local authority if they appoint an agent. This can incur a maximum fine of £1,000.
- **Energy Performance Certificates (EPC)**
From 9th January 2013 an energy performance indicator must be included in all advertisements and a copy of the EPC given to the tenant. Check the Scottish EPC register for an approved assessor:
<https://www.scottishepcregister.org.uk/assessorsearch>
- **Tenant Information Pack.** From 1 May 2013 landlords have a legal duty to provide new tenants with this pack, which provides important information to tenants who rent their homes privately. Download from:
<http://www.gov.scot/Publications/2016/12/4614/downloads#res510472>

- **Landlord Registration Number.** From 1 June 2013, The Private Rented Housing (Scotland) Act 2011 states all adverts for properties to let must include the **landlord's** registration number, or in the case of landlords whose application is yet to be determined, the phrase '**landlord registration pending**'. (NB - *It is not acceptable to quote the agent's registration number*).
- **Legionella/Legionnaires Disease.** Landlords and letting agents are obliged by law to carry out risk assessments for Legionnaire's Disease, and implement any necessary measures. More information available at:
 - www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm
- **Electrical Installation Condition Report (EICR).** Landlords are required to have an EICR of their property carried out. This EICR must include a Portable Appliance Test (PAT) for all electrical appliances supplied by the landlord. Electricians must be NICEIC or SELECT approved.
- **Carbon Monoxide (CO) Detection.** From 1 December 2015 landlords must ensure there is adequate CO detection in all privately let property.

FEEDBACK

If you have any thoughts or comments on this newsletter, or suggestions for future topics to be included please email them to landlord.registration@dundee.gov.uk

You can view previous issues of our eNewsletter at www.dundee.gov.uk/housing/privatesector/

Removal

If you no longer wish to receive update e-mails from Dundee City Council, Private Sector Services Unit please reply to this e-mail with the word 'remove' in the subject line.