



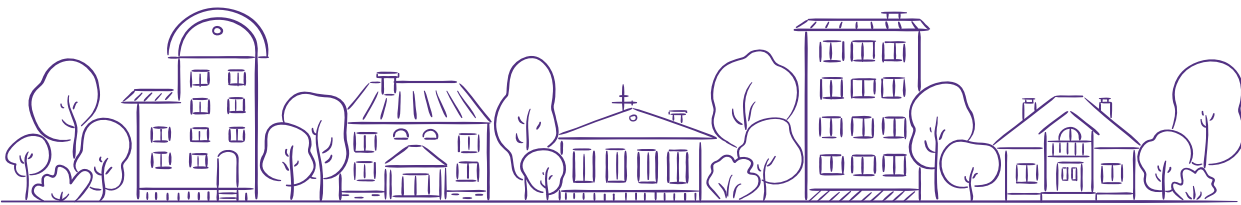
From mountain to sea

Aberdeenshire
COUNCIL



Private Landlord Information

Aberdeenshire Council has produced this leaflet to provide information to landlords in the Private Rented Sector. **October 2024**



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Procedures at the Start of a Tenancy

Landlords Checklist

Many new landlords have come into the private sector market and there have been some recent changes to the law. Read our handy [landlord checklist \(PDF 76KB\)](#) listing all the things you need to consider when letting out a property.

Registering as a Landlord

All landlords who own and rent out property in Scotland will require a landlord registration. Landlords who are registered with more than one local authority will receive discount on registration fees only. To receive this discount the registrations must be linked to the other local authority.

Applications are either submitted by an individual or if the property is company owned, in the name of the company. The information on the title deeds for the rental property should match the application.

All joint owners must also apply for registration but will not incur registration fees if their application is linked to the lead owner.

Once approved, applicants will receive their landlord registration number. Registrations will expire in three years.

Registrations must be updated with any changes to contact details, properties or agents, these changes can be made on-line. A late fee will be applied if you do not renew on or before the expiry date.

Please contact the Private Housing Team by email or telephone if you are no longer a landlord and you wish to be removed from the register. The team can be contacted 01467 534853 or by emailing landlordregistration@aberdeenshire.gov.uk

Landlord Registration Fees

To register as a Private Landlord – www.landlordregistrationscotland.gov.uk

Lead Landlord	Payment	All joint owners	Payment
Registration Fee	£80	Registration Fee	Nil
Additional Fee Per Property	£18	Additional Fee per Property	Nil
Late Fees	£160	Late Fees	£160

Letting Agents

If you use an agent to manage your property this should be recorded on the landlord registration database using their Letting Agent Registration Number (LARN). From 31 January 2018 all letting agents must comply with the Letting Agent Code of Practice. This sets out the service you and your tenants can expect from a letting agent. If you believe your letting agent has breached the code of practice, in the first instance you should complain to them in writing, following their complaints procedure. If you are unhappy with their response you can apply to The First-tier Tribunal for Scotland (Housing and Property Chamber):

Advertising Your Property for Rent

When advertising a private property for let the advert must contain the landlord's registration number or if the landlord has just applied for registration the advert must show the application number whilst pending approval. The landlord must be registered with the local authority where the rental property is located.

The advert must also include the EPC banding for the property.

- 80mm hot water cylinder insulation
- suspended floor insulation

Energy Performance Certificate

Energy Performance Certificate (EPC) Requirements for Landlords

An EPC states the energy efficiency of a building and provides suggestions for improvements.

Key Requirements:

- Landlords must obtain an EPC before marketing a rental property for the first time.
- A copy of the EPC should be given to the tenant before the tenancy starts and should be displayed in the rental property.
- The EPC rating must be included in any advertising.
- An EPC is valid for 10 years. Once the certificate expires, a new EPC will be required if the landlord wants to market the property again.

Important Notice: Failure to include the EPC banding in the advert for the property may incur a fine of up to £1000.

A trading standards officer has the power to ask the seller or landlord to provide them with a copy of the EPC for inspection. If requested, a copy of the EPC must be provided within seven days, or the person to whom the request was made may be liable to a penalty charge notice for failing to comply.

Find an EPC Assessor: [Home \(scottishepcregister.org.uk\)](http://Home.scottishepcregister.org.uk)

Proposed New Energy Standard

The Scottish Government has published a consultation proposing that private landlords will need to meet a new minimum energy efficiency standard by the end of 2028.

The suggested list of improvements includes:

- 270mm loft insulation
- cavity wall insulation
- draught proofing
- heating controls

For some properties the measures listed may not be relevant. It is proposed that previous EPC plans will not be taken forward.

Landlord's Insurance

Private landlord insurance in Scotland is essential for protecting rental properties and investments. You must also inform your mortgage lender you are renting out your property.

Private Residential Tenancy Agreement – PRT

The Scottish Government provides a digital model PRT which is free to use. You can create a tenancy agreement at [Create a tenancy agreement - mygov.scot](http://Create.a.tenancy.agreement-mygov.scot). This model is updated with any changes, and landlords should always complete the latest online version. The model ensures that landlords create an agreement that includes mandatory clauses and offers the option to include discretionary clauses tailored to a particular property or tenancy.

Key Points:

- A PRT is open-ended, meaning it only has a start date.
- The tenancy can be ended when a tenant gives 28 days' notice to their landlord.
- A landlord can only end a PRT by serving a Notice to Leave (NTL) and can only do this if one or more of the 18 grounds for serving notice apply. For more information, visit mygov.scot.

Easy Read Notes:

- Along with the PRT, landlords must give their tenants a copy of the Easy Read Notes [Private residential tenancy model agreement: easy read notes \(www.gov.scot\)](http://www.gov.scot). This document explains the various elements of the PRT.
- If a landlord chooses not to use the Model PRT, the alternative agreement must set out all of the statutory terms,

and the tenant must receive the Statutory Terms Statutory Notes, which include information required by law. For more details, refer to the Private Residential Tenancy Model Agreement: Easy Read Notes.

GDPR

Privacy Notice for Landlords

[Model+private+residential+tenancy+-+privacy+%28GDPR%29+notice.docx \(live.com\)](#)

Landlords can use this privacy notice to ensure compliance with obligations under the General Data Protection Regulation (EU) 2016/679 [GDPR] and the Data Protection Act 1998 (as amended) [the Data Protection Legislation]. This notice informs tenants about their rights under these regulations and how to exercise them.

Purpose: This notice should be used in all instances to advise tenants that the personal data contained in the Private Residential Tenancy Agreement may be used for administering and managing the tenancy.

Data Sharing: The information provided may be shared with:

- The local authority where the property is located.
- One of the three Scottish Government approved tenancy deposit schemes.
- Any agent that assists with HMO compliance.

Creating an Inventory

Creating a comprehensive inventory for a private tenancy is crucial for both landlords and tenants. An inventory is a detailed record of all the fixtures and fittings within the property and the overall condition at the beginning of a tenancy. This could include details of any warranties or guarantees. An inventory can be used along with a check In at the start and check out at the end of a tenancy and can be provided to the deposit scheme to assist when a deposit is due to be returned.

Deposit Schemes

Tenancy Deposit Schemes (Scotland) Regulations 2011

If a deposit is taken it must be no more than the equivalent of 2 month's rent. The deposit **must** be lodged with one of the three approved schemes within 30 working days from the start of the tenancy. Tenants must be informed of the scheme where the deposit is lodged and it must remain with the scheme until after the tenancy has ended.

My Deposit Scotland	03333 219 402
www.mydepositscotland.co.uk	
Safe Deposits Scotland	03333 213 136
www.safedepositsscotland.com	
Letting Protection Scotland	03303 030 031
www.lettingprotectionscotland.com	

Managing a Tenancy

Property Inspections

Landlords should inspect their properties at least once every six months. Tenants should be given advance notice of an inspection. Inspections will help ensure that a tenant is looking after the property and does not require any repairs carried out that may not have been reported. Landlords have a duty to ensure that their property meets the repairing standard. The Repairing Standard Statutory Guidance for Private Landlords (www.gov.scot)

Tenants need to provide access to allow repairs to be carried out. Unless it's an emergency, tenants should be given at least 24 hours' notice.

Right of Entry

Landlords have a right of entry to their properties for the purpose of:

- a) Viewing its state and condition for the purpose of determining whether the house meets the repairing standard and/or
- b) Carrying out any work necessary to comply with the repairing standard duty or a repairing standard enforcement order (RSEO)

You must give your tenant the correct amount of notice before carrying out an inspection. If your tenant does not let you enter the property, you can apply to the First-tier Tribunal for Scotland Housing and Property Chamber for assistance [Right of Entry | Housing and Property Chamber](#)

Rent Increases

Landlords can increase the rent any time in the first year of a tenancy. After that, it can only be increased once every 12 months. The prescribed notice gives the tenant 3 months' notice of when the rent increase will start.

If a tenant feels the rent increase is too high, they can apply to the rent officer to ask them to set the rent. If either you or your tenant are unhappy with the rent officer's decision, you can appeal to The First-tier Tribunal for Scotland (Housing and Property Chamber). The rent set by the rent officer and The First-tier Tribunal may be higher or lower than you set it at

The maximum increase a rent officer can apply is either 6% or 12%. The Scottish Government have produced a [rent increase calculator](#) to help landlords and tenants.

[Illustrative rent increase calculator \(rentcalculator.service.gov.scot\)](#)

Ending a Tenancy

Private Residential Tenancy

Tenants have to give their landlord at least 28 days' notice in writing to end the tenancy. The notice period would not start until the date the notice is received by a landlord and would end 28 days after the received date

Any other arrangements to end the tenancy should be agreed in writing between the tenant and the landlord.

If the tenancy is joint then all the joint tenants must agree to end the tenancy and sign the notice to leave. One joint tenant cannot terminate a joint tenancy on behalf of all the joint tenants.

Landlords can end the tenancy by giving their tenant a notice called a Notice to Leave. This is a prescribed document that is available here

[Notice+to+Leave+from+1+April+2024.pdf \(www.gov.scot\)](#)

There are 18 grounds on which a private residential tenancy can be ended. The notice period ranges from 28 days to 84 days depending on the ground(s) used and how long the tenant has lived in the property.

Tell your tenant they need to leave - [mygov.scot](#)

Applications for eviction to the First Tier Tribunal (Housing and Property Chamber)

Tenants may choose to leave on the end date on the notice to leave or they may remain in the property until a landlord makes an application to the First Tier Tribunal (Housing and Property Chamber)

An application cannot be made until the notice to leave date has passed and should be made within six months of that date. Applications can be found here [Forms and Guidance - Evictions and Civil Proceedings | Housing and Property Chamber](#)

Section 11

If you apply to the First Tier Tribunal for an eviction of a tenant, a Section 11 must be provided with the application and landlords are required to inform Aberdeenshire Council under Section 11 of the Homelessness (Scotland) Act 2003. This is to advise Aberdeenshire that your tenant may potentially become homeless. [Homelessness Section 11 Notice - Aberdeenshire Council](#)

Procedures for Ending a Short Assured and Assured Tenancy

Most tenancies issued between 1988 and 30 November 2017 were short assured tenancies.

The procedures for ending **short assured tenancy** can be found here [Short assured tenancies - mygov.scot](#)

The procedures for ending an **assured tenancy** can be found here [Assured tenancies - mygov.scot](#)

Houses in Multiple Occupation (HMO)

If you rent out a property which will be occupied by three or more persons, who are not all related and they share the use of a kitchen or bathroom, you will need to apply for an HMO Licence. Accommodation occupied by 3 or more students, during term time, will be regarded as their main residence and an HMO Licence will be required.

It is an offence to operate an unlicensed HMO. As a landlord, if you are unsure whether or not a licence is required, please contact the HMO Officer on 01467 534409 for advice.

[Houses in Multiple Occupation licence - Aberdeenshire Council](#)

Carrying Out Repairs

As a landlord you have a legal duty to ensure your property meets the repairing standard at all times during a tenancy. You must complete repairs that you are responsible for within a reasonable time of your tenant reporting them.

If your tenant or local authority thinks that the property does not meet the Repairing Standard, and they have advised you of the problem and you have refused to carry out the necessary repairs, or complete within a reasonable timeframe, then they may apply to the HPC to intervene.

If the Tribunal finds that a landlord has failed to meet the repairing standard they will issue a Repairing Standard Enforcement Order (RSEO) requiring the landlord to carry out the work which could impact your landlord registration, a failure to comply with a RSEO is a criminal offence.

Common Repairs

Landlords must ensure that any common parts pertaining to the house can be safely accessed and used.

Common Doors Where a property is located in a tenement and there are common doors or there has been designed to have common doors, landlords are responsible for ensuring that these doors are fitted with emergency exit locks and remain secure.

Typical common areas will be:-

Stairs, the stairwell and lifts
The close, entrances and fire escapes
Paths and gardens

Typical common parts might be:

The roof, gutters and downpipes
External walls and foundations
[Common parts of flats and tenements - Repairing Standard: statutory guidance for private landlords - gov.scot \(www.gov.scot\)](#)

[Under One Roof | Building maintenance, tenement management, and Retrofit](#)

Right of Entry

As a landlord you have a right of entry to your property for the purpose of:

- a) Viewing its state and condition for the purpose of determining whether the house meets the Repairing Standard and/or
- b) Carrying out any work necessary to comply with the repairing standard duty or a Repairing Standard duty or a Repairing Standard Enforcement Order.

You should first have notified your tenant in writing of the need for access and why it is required. If you are having difficulty accessing the property you can apply to The First-tier Tribunal for Scotland (Housing and Property Chamber) for assistance. They can assist in arranging a suitable date for access and where required fix a date and time for access if a tenant and landlord cannot agree a date.

Safety Requirements

Electrical Safety

Landlords are required to have an electrical safety inspection carried out on all rental properties.

After the inspection you will be issued with an Electrical Installation Condition Report (EICR) along with a Portable Appliance Test report if applicable.

A copy of the EICR should be given to your tenant. The legal requirement is that inspections are carried out every five years and more often if recommended by an electrician. It is good practice to carry out PAT testing annually. If you have a new tenant within the five year period you should give them a copy of the last EICR.

Electrical Safety checks must be carried out by a competent electrician, usually a member of Select, NICEIC or NAPIT. PAT testing can be carried out by a competent electrician or someone who has completed training in PAT testing. It is possible for landlords to undertake training and complete their own PAT testing.

[Electrical installations and appliances in private rented properties: guidance - gov.scot \(www.gov.scot\)](http://www.gov.scot/resources/documents/2015/04/150404_electrical_installations_and_appliances_in_private_rented_properties_guidance.pdf)

Gas Safety

If you have gas in your property you are required to have a valid gas safety certificate and your tenants should be provided with a copy before moving into the property.

Gas safety checks should only be carried out by a Gas Safe Registered installer (this replaced CORGI in 2009).

Landlords have a legal duty to have all gas appliances in their properties inspected on an annual basis. Your tenant must allow a Gas Safe Registered gas installer access to your accommodation to carry out safety checks and, if necessary, repair work.

You should give your tenant adequate notice of the gas safety inspection.

Carbon Monoxide Detection

It is a requirement for private rented properties to have satisfactory provision for giving warning if Carbon Monoxide gas is present in a concentration that is hazardous to health.

Carbon Monoxide detectors should be installed in all dwellings where there is a fixed combustion appliance (excluding an appliance used solely for cooking) in the dwelling This includes boilers, fires (including open fires), heaters and stoves fuelled by solid fuel, oil or gas

[Repairs | Housing and Property Chamber](#)

Fire Detection

You have a duty to provide smoke alarms in your properties and to maintain them.

The following is a minimum standard requirement:

- One functioning smoke alarm in the room which is frequently used by the occupants for general day time living purposes
- One functioning smoke alarm in every circulation space, such as hallways and landings.
- One heat alarm in every kitchen.

From 1 March 2019 alarms can either be mains operated or be tamper proof with long-life lithium batteries. All alarms must also be interlinked either via wires (hard wired) or wirelessly (by radio communication)

[Fire detection in private rented properties: guidance - gov.scot \(www.gov.scot\)](http://www.gov.scot/resources/documents/2018/03/180303_fire_detection_in_private_rented_properties_guidance.pdf)

The number and position of the alarms will depend on the size and layout of the house. There should be at least one alarm on each floor.

Legionella

Landlords have a duty to carry out risk assessments on their water systems in all their properties to source potential risks of legionella. The Health and Safety Executive states that most landlords can assess the risk themselves, but if you wish there are companies that can carry out this assessment for you, and online options which take you through the process for a small charge.

[risk assessment report and tenants advice sheet \(aberdeenshire.gov.uk\)](http://aberdeenshire.gov.uk)

Water Supply

Your private rented property should have an adequate piped supply of wholesome water available within the house for it to meet the Tolerable Standard.

If your property has a private water supply, you should inform your tenant of this. It is now a requirement for landlords to have a private water supply tested annually. This is carried out by Aberdeenshire Council's Environmental Health department. You can contact them on 03456 08 12 07.

[Private Water Supplies - Aberdeenshire Council](#)

Lead in Pipes

Property should be free of lead pipes from the boundary stopcock to the kitchen tap. If this cannot be confirmed then a water test should be carried out.

[Landlord Guidance on Lead - Scottish Water](#)

Right to Adapt

Your tenant has a right to ask for the property to be adapted which you cannot unreasonably refuse. You cannot include a clause in the tenancy agreement to opt out of this duty. Contact Aberdeenshire Council Care and Repair on 01467 534753 for more information.

Contacts

Aberdeenshire Council Private Housing Team

Tel: 01467 534853 or

Landlordregistration@aberdeenshire.gov.uk

Aberdeenshire Council Tax

Tel: 03456 08 12 01

council.tax@aberdeenshire.gov.uk

Aberdeenshire Council HMO Officer

Tel : 01467 534409

hmo@aberdeenshire.gov.uk

Landlord Registration Scotland

www.landlordregistrationscotland.gov.uk

Energy Savings Trust

Tel: 0800 512 012

www.energysavingtrust.org.uk/scotland

First Tier Tribunal for Scotland (Housing and Property Chamber)

Tel: 0141 302 5900

<https://www.housingandpropertychamber.scot/home>

Aberdeenshire Care & Repair

[Private Sector Housing Care and repair Service \(aberdeenshire.gov.uk\)](#)