



From mountain to sea

# Information for Tenants in the Private Rented Sector

Aberdeenshire Council has produced this leaflet to provide information for tenants in the private rented sector.

July 2019



# Landlord Registration

All private landlords are legally required to be registered with their local authority.

Registration covers all private rented properties.

The landlord needs to provide the following information:

- personal details
- a list of let properties
- letting agent registration number (LARN) if employing an agent.

From 31 January 2018 all letting agents must comply with the Letting Agent Code of Practice

Each landlord registration application is assessed to make sure the applicant is a “fit and proper” person.

If a landlord is found not to have registered they are asked to do so within 28 days. If a landlord fails to register when asked, the Council can pursue a Rent Penalty Notice which means you do not have to pay any rent. If this happens it does not affect your right to remain in your property as set out in your tenancy agreement.

If you have a query about your landlord’s registration please contact us on the details below. Any complaints regarding your landlord’s conduct can also be reported to the Private Housing team on 01467 534853 or by e-mailing [landlordregistration@aberdeenshire.gov.uk](mailto:landlordregistration@aberdeenshire.gov.uk).



## Tenancy Deposit Scheme

All landlords who register with a local authority and take a deposit from a tenant must also comply with the requirements of the Tenancy Deposit Schemes (Scotland) Regulations 2011.

A landlord has to register your tenancy deposit within 30 working days of the tenancy starting with one of the following three approved schemes: My Deposit Scotland, Safe Deposits Scotland or Letting Protection Scotland. Your landlord must provide you with key information on which scheme they have lodged your deposit with. The landlord must also ensure the deposit continues to be held by one of the three approved schemes until it is repaid following the end of the tenancy.

If a deposit is not submitted to a scheme and/or the prescribed information is not provided to you, then you can apply to The First-tier Tribunal for Scotland (Housing and Property Chamber) for sanctions against your landlord for non-compliance with the Regulations. If the First-tier Tribunal is satisfied that your landlord has failed to comply, they must order your landlord to pay you up to three times the amount of the deposit.

If you move out of your home before realising that your landlord has not complied with the Regulations, you will have up to three months after the tenancy has ended to make an application.

You can make an application to The First-tier Tribunal under Chapter 11.103. Application for order for payment where landlord has not paid the deposit into an approved scheme.

[www.housingandpropertychamber.scot/apply-tribunal/other-private-tenancy-applications](http://www.housingandpropertychamber.scot/apply-tribunal/other-private-tenancy-applications)



## Your Tenancy Agreement

Tenancies issued after 1 December 2017 will generally be Private Residential Tenancies. This is an open-ended tenancy and will last until you wish to leave the property or your landlord uses one (or more) of the 18 grounds for eviction.

It doesn't matter if your landlord has called the tenancy something else as you will still have the protection of the private residential tenancy terms.

Your landlord must provide you with the written terms of your tenancy and the relevant set of notes- either the 'Easy-read notes for the Scottish Government model tenancy agreement' or the 'Private Residential Tenancy Statutory Terms Supporting Notes'. These can be given electronically or as a paper copy.

If your landlord has not supplied you with either:

- the written terms of your tenancy
- the correct notes
- or updated terms within 28 days of a change

You can serve your landlord a notice requesting these documents.

[Further information on how to do this can be found: https://beta.gov.scot/publications/private-residential-tenancies-tenants-guide/](https://beta.gov.scot/publications/private-residential-tenancies-tenants-guide/)

If you do not receive the documents within 28 days you can apply to The First-tier Tribunal to draw up the terms of your tenancy and/or to make a payment order for not having been given the correct documents. The payment order can be up to 6 months' rent, but The First-tier Tribunal will determine the level awarded.

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

If your tenancy started before 1 December 2017 it is likely you have a short assured tenancy agreement or an assured tenancy agreement. You can check which type you have and get more specific information here:

[https://scotland.shelter.org.uk/get\\_advice/downloads\\_and\\_tools/online\\_checkers/what\\_kind\\_of\\_tenancy\\_do\\_i\\_have](https://scotland.shelter.org.uk/get_advice/downloads_and_tools/online_checkers/what_kind_of_tenancy_do_i_have)

## Illegal Premiums

It is illegal to charge tenants any fees other than rent and a refundable deposit. No other charges such as reference checks, credit checks and inventory fees are allowed. You must challenge landlords who have asked for any extra fees. If you have already paid a premium, you should write to the letting agency or landlord to ask for the money back. If they don't return the money then you can take them to the simple procedure court to claim the fees back. Please advise the Private Housing Team if you think you have been charged an illegal premium.

## Energy Performance Certificate

You should be provided with an Energy Performance Certificate (EPC). An EPC is a document which states the energy efficiency of a building based on the standardised way the building is used and provides the building owner with a number of ways in which the efficiency could be improved.

Contact SCARF (Save Cash and Reduce Fuel) Telephone 01224 213005

Email: [info@scarf.org.uk](mailto:info@scarf.org.uk) or visit [www.scarf.org.uk](http://www.scarf.org.uk) For free impartial advice on saving on energy bills.

## Gas Safety

You should be given a copy of the annual gas safety certificate, showing that all gas installations and appliances have been checked by a Gas Safe registered Engineer (this replaced CORGI in 2009). All servicing, repairs or replacement of gas appliances or installations must be carried out by a Gas Safe registered engineer.

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

Your landlord should give you adequate notice of the gas safety inspection.

## Smoke Detectors

Your landlord has a duty to provide smoke alarms and to maintain them.

Guidance has recently changed and the following is recommended as a minimum standard:

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

Until 1 March 2019, the guidance on satisfactory provision for detecting and warning of fires required that a smoke alarm had to be mains powered with a standby power supply. The principal change, as it affects private landlords, is that from 1 March 2019 the repairing standard can be complied with by either mains-operated alarms or tamper proof long-life lithium battery alarms. Alarms must also be interlinked and this can be done via wires (hardwired) or wirelessly (by radio communication).

Further information can be found at

<https://www.gov.scot/publications/fire-safety-guidance-private-rented-properties/>

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.

The landlord should, either install smoke and fire detectors that meet the standard set by Building Regulations or be able to justify why a lesser level of protection is appropriate in a particular house.

To book a free Home Fire Safety Visit Call 0800 0731 999

Text "FIRE" to 80800 or visit [www.firescotland.gov.uk](http://www.firescotland.gov.uk)

## Repairs

Your landlord has a legal responsibility to make sure the property you rent meets a minimum standard of repair for private rented properties - known as the Repairing Standard.

A house meets the Repairing Standard if:

- it is wind and watertight and 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 in proper working order.
- the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
- any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.
- any furnishings provided by the landlord under the tenancy can be used safely for the purpose they are designed for.
- the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
- landlords must tell their tenants about the Repairing Standard before the tenancy starts. If a landlord fails to carry out repairs, the tenant can request that The First-tier Tribunal consider their case.
- the property must have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

As a tenant you should provide access to allow repairs to be carried out. Unless an emergency, your landlord should give you at least 24 hours' notice. You may need to be in to provide access to tradespersons.

## **The First-tier Tribunal for Scotland (Housing and Property Chamber) - Repairs**

Your landlord has a duty to make sure that the house you rent meets the Repairing Standard. If you think that your house does not meet this standard, you will be able to apply to The First Tier Tribunal for a decision on whether your landlord has failed to meet this duty.

Before you can make an application to The First-tier Tribunal, you have to notify your landlord that the work needs to be done and give your landlord reasonable time to complete the work. Repair requests must be made in writing as this may later be used as evidence should you have to proceed to making an application. A sample letter for repair requests can be found on the Housing and Property Chamber website. Should your landlord fail to carry out the repairs in a reasonable timescale

you can then make an application to The First-tier Tribunal who will then begin investigations into your complaint.

If The First-tier Tribunal finds that your 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. It is a criminal offence not to comply with a RSEO without a reasonable excuse, and to re-let a property subject to a RSEO. If your landlord still fails to comply with the RSEO The First-tier Tribunal will formally notify Aberdeenshire Council and may issue a Rent Relief Order, which can reduce rent payable by up to 90%.

It is possible for Aberdeenshire Council to make third party referrals to The First-tier Tribunal. If you need assistance with applying, please contact the Private Sector Housing Team on 01467 534853 or e-mail [landlordregistration@aberdeenshire.gov.uk](mailto:landlordregistration@aberdeenshire.gov.uk)

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

## Electrical Safety

From 1 December 2016 all rented properties should have a valid Electrical Installation Condition Report. You should be given a copy of this at the start of the tenancy.

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.

Where landlords already hold an Electrical Installation Certificate from 2012 onwards, or where one is issued for a new property or after a complete rewiring, it is not necessary to obtain an EICR until 5 years from the issue date although it will be necessary to have PAT testing carried out on any appliances they have provided.

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.



## Carbon Monoxide Detection

From 1 December 2015 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 fueled by solid fuel, oil or gas.
- a fixed combustion appliance in an inter-connected space, for example, an integral garage.

A Carbon Monoxide detection system is not required in an attached out building or garage where there is no inter-connection with the house e.g. a door. If there is no way Carbon Monoxide could reasonably be expected to find a path into the house there is no need for a detector.

<https://www.housingandpropertychamber.scot/repairs/repairs-application-and-guidance>

## Water supply

Your rented property should have an adequate piped supply of wholesome water available within the house for it to meet the Tolerable Standard. If the property you rent has a private water supply your landlord should have informed you of this. It is now a requirement for your landlord to have a private water supply tested annually. This is carried out by Aberdeenshire Council's Environmental Health department. If you have concerns over the quality of your water supply you can contact them on 03456 08 12 07.

## **The First-tier Tribunal for Scotland (Housing and Property Chamber) - Rents**

If you feel the rent you are charged is unreasonable you may be able to apply to The First-tier Tribunal to have a fair rent set. They can only consider applications where there are sufficient rented properties of a similar nature nearby to give an idea of the market rent, and where the rent you are being charged is significantly more than the market rent. Further information and the form to complete can be found on The First-tier Tribunal website.

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

## **Houses in Multiple Occupancy (HMO)**

If you privately rent a property which is occupied by three or more unrelated people as their main or only residence and you share the use of kitchen or bathroom facilities, it may require an HMO license. Accommodation occupied by students during term-time is always regarded as their main residence. If you think your property should have a licence or have any queries please contact the HMO Officer on 01467 534409 or [hmo@aberdeenshire.gov.uk](mailto:hmo@aberdeenshire.gov.uk)

## **Living and Working in the North East**

On this website you will find a guide to help you better understand services and practices in North East Scotland.

[http://www.aberdeenshirecommunitysafety.org.uk/welcome\\_leaflet/index.html](http://www.aberdeenshirecommunitysafety.org.uk/welcome_leaflet/index.html)

## **Prejudice and Discrimination Reporting**

Aberdeenshire Council has a process in place for reporting Prejudice and Discrimination Incidents.

A prejudice and discrimination incident is any discriminatory act against an individual which occurs as a result of that person having one of the nine protected characteristics, under the Equality Act 2010.

It is important that incidents are reported in order for Aberdeenshire Council to take the appropriate action to prevent unacceptable behaviour from happening again.

The form should be used to report any prejudice or discriminatory incident relating to Age/ Disability/ Race/Religion or Belief/ Sexual Orientation/Sex (Gender)/ Pregnancy and Maternity/ Marriage and Civil Partnership/Gender reassignment.

A Prejudice and Discrimination Report Form can be accessed on the Aberdeenshire Council Website:

[www.aberdeenshire.gov.uk/council-and-democracy/equalities/prejudice-incident-reporting/](http://www.aberdeenshire.gov.uk/council-and-democracy/equalities/prejudice-incident-reporting/)

or by telephoning 01346 585863.

However, if you believe you, or someone else is in danger, it is recommended that the incident is reported directly to the Police. Call 101 for non-emergencies, or 999 for emergencies.

## Shelter Scotland

Shelter Scotland provide housing advice to private tenants.

The number is free from UK landlines and main mobile networks.

Shelter Scotland Helpline: 0808 800 4444.

## Shelter Scotland Tenants' Engagement Project

Shelter Scotland runs a national forum for private tenants. If you rent from a landlord or through a letting agent and want to know your rights, speak to other tenants and help make renting fit and fair for all – you can sign up here:

<http://www.shelterscotland.org/privatetenants>

From talking about inspections to looking at letting agent regulations, the forum's aim is to help you, as a tenant, to share your experiences and directly influence change. The group has monthly newsletters, a busy Facebook page and regularly meet up in person to talk about what changes need to happen to make your house, your home.

Sign up here <http://www.shelterscotland.org/privatetenants> to connect with other renters, and help make renting fit and fair for all. Search on Facebook under Shelter Scotland Private Tenants' Forum

## Concerns about the management of your tenancy or property

Please contact the Private Sector Housing Team at Aberdeenshire Council if you believe your landlord has failed to meet his or her duties. We will be happy to advise and assist you.

Private Sector Housing Team Contact Details:  
Tel. No. 01467 534853

[landlordregistration@aberdeenshire.gov.uk](mailto:landlordregistration@aberdeenshire.gov.uk)

<https://www.aberdeenshire.gov.uk/>

**If you need a copy of this document in an alternative language or in large print or in Braille please telephone: 01467 534853.**

### **POLISH**

Jeśli chcesz otrzymać kopię tego dokumentu w innym języku, napisanego dużą czcionką lub w języku Braille'a, proszę zadzwonić pod numer 01467 534853

### **LATVIAN**

Ja Jums ir nepieciešama šī dokumenta kopijacitā valodā, lielformāta drukā vai braila rakstā, lūdzu, zvaniet pa tālruni 01467 534853

### **RUSSIAN**

Если Вы нуждаетесь в копии этого документа на другом языке, укрупненным шрифтом или шрифтом Брайля, просим Вас позвонить по телефону 01467 534853

### **LITHUANIAN**

Prašau skambinkite tel. 01467 534853 jei jums reikalinga į jūsų kalbą išversto dokumento kopija ar pageidaujate didelėmis raidėmis ar Brailiu