

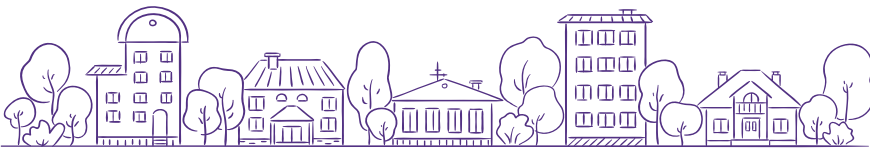


From mountain to sea

# Information for Tenants in the Private Rented Sector

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

September 2024



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# 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.

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

A landlord must 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 can 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 eighteen grounds for eviction.

It does not 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 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://www.mygov.scot/tenants-tribunal-notice-to-a-landlord>

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/housing\\_advice/downloads\\_and\\_tools/online\\_checkers/what kind of tenancy do i have](https://scotland.shelter.org.uk/housing_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 do not return the money, you can make an application to the First Tier Tribunal for Scotland. Please advise the Private Housing Team if you think you have been charged an illegal premium.

## Energy Performance Certificate

You landlord should provide you 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.

## 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.

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

The repairing standard states alarms can be either mains-operated alarms or tamper proof long-life lithium battery alarms. Alarms must be interlinked 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)

## Electrical Safety

From 1 December 2016 all rented properties should have a valid Electrical Installation Condition Report (EICR). 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.

An electrical installation certificate (EIC) can be provided instead of an EICR to comply with the guidance, although it will still be necessary to have PAT testing carried out on any appliances they have provided.

A residual Current Device (RCD) provides a high level of protection against the risk of electric shock and reduces the risk of fire arising from faulty equipment. To comply with the Repairing Standard there must be at least one RCD in the

main consumer unit.

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.

## Heating System

Landlord's must ensure their properties have fixed heating systems. This is a permanent installation which will be plumbed or hard wired and capable of maintaining a temperature of 21°celcius in at least one room and 18°celcius elsewhere. It should be safe to use, in good condition and reasonable working order. It is not acceptable to rely on plug-in or portable heaters unless on a temporary basis while repairs are carried out.

The standard will be satisfied if such a system covers all rooms in a house not used as a kitchen, store or a utility. A heater is not needed where the design and layout of the room is such that it is not required, for example where a hallway is small and cannot support a heater. It is acceptable for some rooms to have secondary heating systems, for example a standalone bathroom heater in a house otherwise served by a central heating system.

## 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 fuelled 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 outbuilding or garage where there is no inter-connection with the house e.g., a door. If there is no way Carbon Monoxide could be expected to find a path into the house



there is no need for a detector. Carbon-monoxide (CO) detectors should be powered by a battery designed to last for the entire working life of the detector. It should also have a warning device to alert you when its working life is about to expire.

## 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.

## Lead in Water

To comply with the Repairing Standard, lead pipes and lead lined storage tanks or fittings should not be present in the drinking water supply of any privately rented property from the boundary stopcock to the kitchen tap.

Unless the landlord is unable to replace the pipes, due to lack of consent from other owners, lead pipes and tanks must be removed to comply with the Repairing Standard.

Further information is available from Scottish Water

<https://www.scottishwater.co.uk/en/Your-Home/Your-Water/Lead-and-Your-Water>

## Common Areas

Landlords must ensure that common parts such as common closes and shared gardens can be safely used and accessed. There must be:

- Adequate lighting, so that tenants are not at risk of falling or of criminal attack.
- Paths and ramps are safe underfoot.
- Common spaces are kept clear of obstructions, which would affect their use or impede evacuation in the event of fire.
- Common spaces are kept clean and tidy; and
- Any mechanical component required to make use of the space must be

in good working order.

- Tenants must store possessions such as bicycles and pushchairs appropriately, if necessary, items may have to be removed.

## Common Doors

Common doors must be lockable, and the common front door must have a secure entry system that informs tenants when a visitor or delivery arrives and allows the tenant to open the front door remotely.

- Common doors within a block of three or fewer flats where all occupiers have easy sight of or close access to the common door are not required to have a secure entry system.
- Common front doors must have mortice locks, rim-type deadlocks, yale locks, key operated multi-point locks or electronic/magnetic locks.
- Common rear doors must have the same type of locks required for front doors or one of more substantial bolts secured from the inside.
- Locks should allow the tenant to open them from the inside without a key.

## 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, electricity (including residual current devices) and any other type of fuel and for sanitation, space Heating by a fixed heating system 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 for which they are designed.

- Satisfactory provision for, and safe access to a food storage area and a food preparation space,
- Common parts pertaining to the house can be safely accessed and used.
- Where a house is in a tenement, common doors are secure and fitted with satisfactory emergency exit locks.
- The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

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 tradesperson

## 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 must 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://housingandpropertychamber.scot/apply-trtribunal/repairs>

## Illegal Eviction

Illegal evictions are a criminal offence. If you think you are being illegally evicted, you must contact the Police and the Council for help. Your landlord cannot evict you without providing you with a valid notice to leave. If you do not leave on this date they must get an eviction order from the Tribunal.

If you have been illegally evicted, you can apply for compensation at the First-Tier Tribunal (Housing and Property Chamber). The tribunal can instruct your landlord to pay you up to 36 months' rent. Further information on this process can be found

[https://scotland.shelter.org.uk/housing\\_advice/eviction/illegal/after\\_illegal\\_eviction](https://scotland.shelter.org.uk/housing_advice/eviction/illegal/after_illegal_eviction)

## Rent Increase for a Private Residential Tenancy

Your landlord must give you at least 3 months' notice if they wish to increase your rent. Your rent can only be increased once every 12 months.

If you feel your rent increase is too high, you can challenge this by making an application to Rent Service Scotland by completing their online form

<https://www.mygov.scot/apply-about-rent>

## 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)**

## 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 licence. 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)

