

Key Notes

East Lothian Council's Newsletter
for Private Sector Landlords

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UPCOMING EVENT

Scottish Letting Day

Dynamic Earth, Edinburgh, 12 Nov 2019

With a diverse programme and a choice of sessions with content designed for both landlords and letting agents respectively, delegates will be able to hear from a wide variety of speakers and tailor their day to meet their own interests.

High profile speakers and experts will address various aspects of how to sustain and develop a lettings business, explain what's new and what to expect next in the Scottish private rented sector. You can find more information and book tickets at

www.scottishlandlords.com/events/scottish-letting-day

Courses held locally December 2019 to February 2020

Preparation for Possession Actions (Core standard Level 2)

3 March 2020, 2.00pm – 4.30pm
John Muir House, Haddington, EH41 3HA

This course deals with the process involved if a tenant does not leave a property on the stated end date despite all the appropriate notices having been served correctly. The course covers:

- Grounds for repossession under the Private Residential Tenancy
- What happens when your tenant refuses to leave after the notices have expired
- Preparation for making an application to the First Tier Tribunal
- The Eviction Process

Attending this training can be recorded as 2.5 CPD hours.

This course requires delegates to have a good understanding of end of tenancy procedures prior to attending the course and delegates must have attended the Core Standard Level 1 training course, Tenancy Agreements and Notices.

Preparation for First Tier Tribunal (Letting Agents only)

21 January 2020, 2.00pm – 4.00pm
Ps & Gs Church, 10 Broughton Street,
Edinburgh, EH1 3RH

This course will look at possession applications and civil actions being taken by letting agents on behalf of their clients, the level of details required in the initial stages of the application and representing the landlord at the case management/hearing.

It will consider the duty on the letting agent to properly represent their landlord in terms of the Letting Agent Code of Practice. It will also cover preparation for a case being taken against the agent by a client. The course will count towards 2hrs of CPD for letting agents.

Introduction to Lettings: Your responsibilities as a Landlord

12 February 2020, 1.30pm – 4.30pm | John Muir House, Haddington, EH41 3HA

Have you recently registered as a new landlord? Letting your first property can be a daunting task but knowing your rights and obligations will give you the confidence to allow you to manage tenancies well and provide a good service to your tenants.

Attending this course will ensure that you are aware of the legal aspects of letting property and the legislation governing private landlords. You will be guided through the essential stages of setting up a tenancy, including all the relevant health and

safety regulations, right through to managing and maintaining tenancies.

Many first time landlords who have attended this course have found it invaluable, allowing them to avoid mistakes and develop simple processes.

All courses run by LAS can be found listed on their website and can be booked online at www.landlordaccreditationscotland.com

Landlord Registration Fees

Fees were increased on 11 June 2019 for the first time since the introduction of Landlord Registration in 2006. The new fees are:

Principal fee: £65 Property fee: £15 (per property) Late application fee: £130

Discounts are available for:

- landlords who own properties in more than one local authority area
- joint owners
- landlords who have a House of Multiple Occupancy (HMO) license
- Scottish charities

There are some situations where you don't have to register with a council to rent out a property. These include:

- holiday lets
- houses managed by religious orders
- houses with a resident landlord
- houses with agricultural and crofting tenancies
- letting to family members
- houses providing care services governed by Care Inspectorate regulation

Late Application Fees

Existing landlords, including joint owners, must lodge a renewal application before the current registration expires if they are still letting property. Failure to do so is a criminal offence and the supporting legislation dictates that, where a registration has been allowed to expire, a Late Application Fee shall be payable. This fee is set at £130.

Although the majority of landlords renew their registrations in good time, the number of landlords incurring a Late Application Fee is higher than we would estimate.

We are keen to help landlords maintain compliance and avoid the Late Application Fee – please see the following advice:

- The Landlord Registration system issues reminders by email at 90 days and 30 days before a registration expires, please ensure the email address held on your registration is current and correct. Landlords are required by law to keep their registration details up to date
- Many of our emails nowadays can end up in junk or spam folders, please check these folders at regular intervals, there is a three month window

between the first reminder and a registration expiry which allows ample time for periodic checking of these folders

- The Landlord Registration system was enhanced further this year by introducing a summary page at the start of the 'Your Registration' journey <https://landlordregistrationscotland.gov.uk> this lists all a landlord's registrations, expiry dates and the let properties. If you are unsure when your registration expires please take a moment to check
- Joint owners must register / renew in their own right, a lead owner cannot register or renew on behalf of second or subsequent owners. Although second joint owner fees are typically waived, Late Application Fees are applied to joint owners whose registrations have lapsed
- The Late Application Fee is the first enforcement step for landlords letting property without a valid registration. The next step is a Rent Penalty Notice, where rent is ceased for all let properties, the ultimate sanction is to have a registration revoked and for prosecution action to be considered. Please keep within the law and ensure that registrations are kept up to date

Letting Agent Register

www.lettingagentregistration.gov.scot

This is the official Scottish Letting Agent Register. You can use this site to make an application to join the register and check to see whether an agent is registered, has been refused or had their registration removed.

All those currently carrying out letting agency work (as defined by section 61 of the Housing (Scotland) Act 2014) must have applied to join the register by 1 October 2018.

You can read details on the legislation and the criteria that letting agents need to meet in order to register and carry out letting agency work at <http://www.mygov.scot/letting-agent-registration>

Letting Agent Registration

There is no requirement to hold both a Letting Agent Registration and a Landlord Registration within East Lothian. Please advise the Landlord Registration Officer at East Lothian Council of your Letting Agent Registration reference or if you haven't yet received this, the application reference you would have received when first applying for Letting Agent Registration. When your landlord registration expires, you will be removed from East Lothian Council's register.

You will also have to advise your clients when you receive your new Letting Agent Register reference number – all individual landlords will be required to update their own registrations with your new LARN reference.

Tolerable Standard guidance – Satisfactory Fire and Carbon Monoxide Detection

Definitions

The revised tolerable standard includes criteria for 'satisfactory equipment for detecting fire and giving warning in the event of fire or suspected fire'. The following defines what is 'satisfactory' by setting out the requirement for:

- **One smoke alarm installed in the room most frequently used for general daytime living purposes (normally the living room /lounge);**
- **One smoke alarm in every circulation space on each storey, such as hallways and landings;**
- **One heat alarm installed in every kitchen;**
- **All smoke and heat alarms to be ceiling mounted; and**
- **All smoke and heat alarms to be interlinked.**

Mains-operated alarms (with battery backup) are permitted, and tamper proof long-life lithium battery alarms (i.e. not PP3 type or user-replaceable) are also permitted. Alarms should be regularly maintained and tested in accordance with manufacturer's instructions.



New Gas Safety Regulations

From 6 April 2018, a change in gas safety regulation came into force, introducing a degree of flexibility to the timing of landlords' annual gas safety checks. The change means that landlords can carry out the annual gas safety check in the two months before the due date and retain the existing expiry date. For example, if the current certificate expires on 25 November 2018, a new certificate issued on/after 26 September 2018 will be valid for up to 14 months, expiring on 25 November 2019.



Energy Efficiency Standards

The Scottish Government has confirmed that minimum energy efficiency standards within the Private Rented Sector will be introduced, starting from April 2020.

Private rented Properties will need to achieve at least EPC band E at change in tenancy from 1 April 2020, and in all properties by 31 March 2022. In addition, properties will need to achieve at least EPC band D at change in tenancy from 1 April 2022, and in all properties by 31 March 2025. Further information on penalties and exceptions will be available in early 2019.

For more information on support for energy exceptions in the Private Rented Sector please visit <http://www.energysavingtrust.org.uk/scotland/businesses-organisations/landlords>

The Energy Saving Trust has also developed an animated video setting out the new requirements: <https://www.youtube.com/watch?v=msjAaU4Vu0M>

Energy Efficiency standards are part of the Scottish Government's 'Energy Efficiency Scotland programme – you can find more information on this at: <https://www.gov.scot/Publications/2018/05/1462>

Removal of online discount

The 10% discount for online applications ended on 1 December 2018. The discount was originally given to minimise the number of paper applications when landlord registration was introduced in 2006. Now that the

majority of applications are submitted on-line, we believe it is more appropriate that local authorities receive the full application fee towards the costs of scrutinising and processing applications.

Do you know what you need to do?

All tenancies are required to adhere to certain property standards and landlords need to ensure that all their paperwork is current. Even if you employ a management agent, it is ultimately your responsibility to ensure that requirements are met. Make sure that you receive a written contract from your agent which specifies the services they have agreed to carry out.

Carbon Monoxide Detector(s)

Required to be installed in all rooms where there is a fixed combustion appliance (excluding an appliance used solely for cooking) or a flue

Gas Safety Certificate

This has to be carried out annually by a Gas Safe Registered plumber and you are required to keep 2 years' records

Legionella Risk Assessment

Tenancy Deposit Scheme

Details of where you lodge the deposit must be supplied to your tenant

Electrical Installation Condition Report (EICR)

Your electrician needs to be suitable qualified and a report is required to be carried out no greater than every 5 years

Buildings Insurance

Landlord Registration

Your reference number needs to be included in your advertisement

Portable Appliance Testing

This can be included in your EICR

Energy Performance Certificate

To be carried out every 10 years

Private Residential Tenancy Agreement

For more information visit:
<https://www.mygov.scot/renting-your-property-out/your-responsibilities/>

Contact Information

Landlord registration / Housing in Multiple Occupation licensing

Sheila Fitzpatrick T 01620 820623
landlordregistration@eastlothian.gov.uk
hmo@eastlothian.gov.uk

Housing Benefit and Council Tax

01620 827730/7729 (Benefits)
01875 824314 (Council Tax)
www.eastlothian.gov.uk/info/210559/council-tax-and-benefits

Useful websites (click text to link to website)

Private Residential Tenancy	First Tier Tribunal
Tenancy Deposit Scheme	Landlord Accreditation Scotland
My Deposits Scotland	Scottish Association of Landlords
Letting Protection Service	Health & Safety Executive
Safe Deposits Scotland	Electrical Safety Council
Landlord Registration	Gas Safe
The Repairing Standard	Energy Saving Trust
Housing and Property Chamber	East Lothian Council

To make a comment, suggestion or complaint about a council service,
visit our website at www.eastlothian.gov.uk



Versions of this leaflet can be supplied in Braille, large print, audiotape or in your own language. Please phone customer services if you require assistance on 01620 827 199