

# Key Notes

East Lothian Council's Newsletter  
for Private Sector Landlords

**Issue 10**  
**October**  
**2022**



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**Home Energy Scotland** helps people in Scotland create warmer homes, reduce their energy bills and lower their carbon footprint. They are funded by the Scottish Government and managed by the Energy Savings Trust.

They can provide specific support to Private Sector Landlords including:

- Advice on the benefit of making your rental property more energy efficient
- Property assessments
- Financial support for landlords
- Meeting the minimum energy efficiency standards

For more information:

**Landlords - Home Energy Scotland** | 0808 808 2282



## Energy Efficiency Standards for the Private Rented Sector



The Scottish Government will now work with the sector to introduce regulations in 2025, requiring all private rented sector properties to reach a minimum standard equivalent to **EPC C** by 2025 where technically feasible and cost effective, at a change of tenancy, with a backstop of 2028 for all remaining existing properties.

The previous option to introduce a standard of EPC D will now not be taken forward.

## Cost of Living (Tenant Protection) (Scotland) Bill

The above Bill was introduced to the Scottish Parliament on 3 October 2022 and was considered in the same week. The Bill proposes numerous changes to the Housing (Scotland) Act 1988 and the Private residential (Tenancies) (Scotland) Act 2016 which sets out most of the current laws on rent increases and evictions. The Bill proposes a rent cap for all private sector tenancies and to introduce new protections against evictions for tenants.

*50% of those increased costs subject to a maximum of 3% increase of the existing rent.*

### Assured and Short Assured Tenancies

The provisions proposed under this regime are the same as under the PRT in terms of the capping of rent where the tenancy is a statutory assured/short assured tenancy. However, contractual rent increases remain permissible.

### The Rent Cap

#### Private Residential Tenancies (PRT)

The proposed rent cap will apply in respect of a rent increase notice served on or after 6 September 2022 until the rent cap provisions are terminated. At present, the plan is that these provisions will remain in force until 1 March 2023 but they could be extended beyond that date.

### The Eviction Moratorium

The Bill also sets out the Government's proposals in connection with the proposed eviction moratorium. The impact of the Bill will apply to:

- Any eviction order granted in respect of Tribunal proceedings raised after the Bill comes into force, *and*
- Any eviction order granted in Tribunal proceedings raised prior to the Bill coming into force based on eviction notices served on or after 6 September 2022

The impact of the rent cap is that any rent increase notice served while the rent cap is in force will have no effect subject to the following exception:

*Landlords who are experiencing increased costs such as an increase in the interest payable on a mortgage or service charges, can apply to the rent officer to increase the rent in order to recover a maximum of*

The impact of the Bill on any such order will prevent the enforcement of the order for a period of six months starting on the day in which the eviction order is granted. If the provisions of the Bill are removed prior to the end of that six-month period, the orders will become enforceable immediately.

### What about existing actions and Notices already served?

There does not appear to have any impact on Tribunal proceedings which have been raised prior to 6 September 2022. Eviction orders granted in such actions will be enforceable in the usual manner. It also appears that the restrictions on eviction will not apply to any action raised before the Bill comes into force if the eviction notice was served prior to 6 September 2022.

### Eviction on Certain Grounds

The Bill contains provisions which will continue to allow evictions on certain grounds even during the eviction moratorium.

In terms of the PRT, evictions will still be permitted on the antisocial grounds (Ground 13 (criminal conviction) and Grounds 14 and 15 (antisocial behaviour)). Eviction will also be permitted where ground 10 is used (tenant not occupying the property). In terms of the assured tenancy regime, evictions will still be permitted under Ground 15 which relates to convictions for certain offences and antisocial behaviour.

### New Grounds for Eviction

The following new grounds are proposed which will be exempt from the moratorium:

#### Private Residential Tenancies:

- 1A – intent to sell property to alleviate financial hardship
- 4A – intent to live in property to alleviate financial hardship
- 12A – substantial rent arrears

#### Assured / Short Assured Tenancies

- 1A – intent to live in property to alleviate financial hardship
- 8A – substantial rent arrears

*Please note that the provisions set out above may be altered as the Bill proceeds through the Parliamentary processes. The emergency legislation has not yet been published.*

You can read more about the Bill [HERE](#) 



## East Lothian Council's Local Housing Strategy

Following our appeal for landlord's to take part in questionnaires, interviews and workshops for the Private Rented Strategy section of the Local Housing Strategy, this has now been completed.

East Lothian Council anticipates the results of the consultation to be reported on in November 2022 and the findings will help to inform the draft version of the new Local Housing Strategy which is set to be finalised in 2023.

## Short-term Let Licensing

The licensing regime opened across Scotland on 1 October 2022. You will need to apply for a licence in each local authority area when you operate a Short-term Let.

You can find the application form, guidance, required notices [HERE](#) 

East Lothian Council has not applied to have any of its area designated as a Control Area and this will be reviewed over time.

## Landlord Accreditation Scotland (LAS)

in partnership with East Lothian Council



### The Private Residential Tenancy (PRT) webinar

Core Standard training, Level 1  
26 October 2022, 10am – 11am

This course provides detailed information on creating a Private Residential Tenancy based on the Scottish Government model tenancy agreement. The tutor will cover all the documentation and associated processes that a landlord needs to be aware of when putting a PRT in place.

Course content:

- Creating a PRT
- Mandatory and discretionary terms
- Joint tenancies
- Using the Easy Read notes

### Tenancy management – Session 1

Core Standard training – Level 1  
27 October 2022, 2pm – 3pm

Session 1: Maintaining Effective Communication  
This is the first of two sessions that deal with the topic of tenancy management for landlords and agents. This session will incorporate what landlords and letting agents need to be aware of in terms of best practice in communication with tenants.

Course topics:

- Rental payments/arrears
- Equality issues
- End of tenancy procedures/tenancy deposits

### Tenancy management – Session 2

Core Standard training – Level 1  
8 November 2022, 2pm – 3pm

Session 2: Best Practice in Tenancy Management  
This course deals with best practice in three tenancy management topics providing essential information and signposting to further assist landlords and letting agents.

Course topics:

- GDPR: personal data and the landlord's responsibilities
- Equality issues
- Dealing with antisocial behaviour

### Serving notice for private residential and short assured tenancies

Core Standard training – Level 1  
9 November 2022, 10am – 11am

When a landlord requires possession of their property it is vital that notice is served in the correct way. Accuracy is crucial in this process and attending the webinar will make sure that you have the knowledge needed to successfully complete and serve notice, avoiding delays in action is required to end the tenancy through the Housing and Property Chamber, First-tier Tribunal.

Topics covered in this session:

- Understanding the grounds for repossession of PRTs and SATs
- Completing and serving regulatory notices for both PRTs and SATS

### Preparation for possession actions

Core Standard training, Level 2  
28 October / 18 November 2022, 10am – 11am

This webinar 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. It will guide you through the steps necessary to comply with legislation, including updates on how Scottish Government COVID-19 guidance and regulation effect this topic.

Topics covered in this webinar:

- Most common 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

## Understanding landlord repairing and maintenance obligations

### Core Standard training

15 November 2022, 2 – 3pm

This webinar deals with landlord repairing obligations and how these need to be managed at all times. It will look at the general principles regarding repairs and maintenance in privately rented property.

#### Topics include:

- Tolerable & Repairing Standards – what they are
- Responsibility for repairs and maintenance
- Tenant responsibilities
- Introduction to the role of the Housing and Property Chamber, First-tier Tribunal

## Safety compliance and certification for private rented property

### Core Standard training

22 November 2022, 10am – 11am

This webinar brings landlords up to date with all the health and safety requirements when letting property, including ongoing compliance and all necessary certifications.

#### Topics include:

- Health and Safety legislation
- Safety requirements and certification
- Maintenance and safety compliance

## Creating inventories

### Best Practice Training

26 October 2022, 2pm – 3.15pm

24 November 2022, 10am – 11.15am

Taking time to create a detailed inventory is an essential part of good tenancy management. Whether you are creating a traditional document or using an app, it is the level of detail included that will make the difference to how the inventory can be used as supporting evidence at the end of a tenancy.

**Who should attend this webinar?** This webinar is suitable for landlords and letting agents. Letting agents can receive CPD for this webinar.

#### Course topics:

- Inventory preparation and writing
- Check-in and Check-out
- Routine visits/inspections
- Damages and dilapidations

## Managing tenant complaints

### Core Standard training, Level 2

23 November 2022, 2 – 3pm

This webinar helps landlords develop key skills to deal with challenges raised by difficult calls and face to face situations, learning how to stay in control and de-escalate these situations whilst maintaining high customer service standards.

#### Topics include:

- Recognising patterns of conflict unique to communicating by telephone
- Specific skills to manage / control calls
- Understanding the impact of ‘trigger’ words and phrases
- Managing tenant expectations
- Defusing difficult situations with tenants

## Chasing the debt

### Best Practice Training

15 November 2022, 2 – 3pm

Dealing with the process of raising an action with the First-tier Tribunal for a payment order for monies owed to the landlord by a tenant and the subsequent enforcement of that payment order. Being successful in an application for a payment order is the first step in recovering money owed to a landlord either through a tenant’s non-payment of rent or damages to a property not recoverable through a tenancy deposit. Understanding the process for recovery of money following receipt of a payment order is essential.

#### Course topics:

- Raising a civil action
- Provision of evidence
- The requirement for the services of Sheriff Officers
- Methods for recovering the debt

## Contact Information

### Landlord registration

01620 820623

landlordregistration@eastlothian.gov.uk

### HMO Licensing

01620 827664

hmo@eastlothian.gov.uk

### Short-term Lets Licencing

01620 827664

licensing@eastlothian.gov.uk

### Housing Benefit and Council Tax

01620 827730/7729 (Benefits)

01875 824314 (Council Tax)

[www.eastlothian.gov.uk](http://www.eastlothian.gov.uk) ↗

## Useful websites (click text to link to website) ↗

Private Residential Tenancy

Tenancy Deposit Scheme

My Deposits Scotland

Letting Protection Service

Safe Deposits Scotland

Landlord Registration

Housing and Property Chamber,  
First Tier Tribunal

Landlord Accreditation Scotland

The Repairing Standard

Scottish Association of Landlords

Health & Safety Executive

Electrical Safety Council

Gas Safe

Energy Saving Trust

East Lothian Council

To make a comment, suggestion or complaint about a council service, visit our website at [www.eastlothian.gov.uk](http://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

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

[landlordaccreditationscotland.com](http://landlordaccreditationscotland.com) ↗