

Key Notes

East Lothian Council's Newsletter
for Private Sector Landlords

Issue 11
March
2023



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Cost of Living (Tenant Protection) (Scotland) Act 2022

The above Act came into force on 28 October 2022 introducing a temporary rent cap and temporary moratorium on the enforcement of evictions until 31 March 2023. The Scottish Government are now considering an extension to the measures and the Act allows for (potentially) two periods of six months by secondary legislation. **The proposed changes are:**

- If landlords choose to increase private rents, they will be capped at 3%
- The safeguard for private landlords will be amended, allowing them to apply for increases of up to 6% to help cover certain increases in costs in defined and limited circumstances
- Enforcement of evictions will continue to be prevented for all tenants except in a number of specified circumstances
- Increased damages for unlawful evictions of up to 36 months' worth of rent will continue to be applicable
- The rent cap for student accommodation will be suspended, recognising its limited impact on annual rents set on the basis of an academic year

You can get more information on the measures at [Introduction – Cost of living: rent and eviction](#) (www.gov.scot)

Property Wanted

Mears is looking for rental property across Scotland

I am writing to you today as a recognised agent, landlord or Investor in the Scottish market and as such we are keen to reach out to you and explore opportunities to acquire properties. These properties will be used for the housing of asylum seekers on behalf of the Home Office with a minimum three year rental contract with guaranteed income.

For those of you who are unfamiliar with the contract and want to know more, please click on the link [HERE](#)

With the number of people claiming asylum increasing each year, this is a business model which will give longevity, financial protection and provide a secure home for some of the

most vulnerable people in society. The Home Office contract within Scotland previously only limited property acquisitions within Glasgow. Due to the challenges within the Glasgow market with increased rents and low stock availability, Mears now can acquire properties across Scotland.

If you would like to know more then please email us on scotlandenquiry@mearshousing.co.uk or visit us [HERE](http://mearsgroup.co.uk)

MEARS

Changes to LBTT Additional Dwelling Supplement

Announced in the Scottish Government's Budget for 2023–24 was a 2% increase to the Additional Dwelling Supplement (ADS – a second home tax), from 4% to 6%. The 6% rate will apply to property transactions in Scotland entered into on or after 16 December 2022.

The Land and Buildings Transaction Tax (LBTT) replaced UK Stamp Duty Land Tax in Scotland on 1 April 2015. The ADS was introduced on 1 April 2016 and is usually payable on the total purchase price of an additional dwelling if it's £40,000 or more.

East Lothian Council's Local Housing Strategy

In April 2022, East Lothian Council commissioned Arneil Johnston to carry out research into the operation of the Private Rented Sector (PRS).

This research study provides an evidence base offering the latest insight on the dynamics of the Private Rented Sector in East Lothian including its scale, role and function. It explores key characteristics such as PRS concentration and supply pressures, rental values and inflation, PRS affordability, PRS quality and security of tenure, housing suitability for PRS tenants, landlord intentions and the operation of the short-term lettings sector. Research outcomes provide clear evidence of the role of the PRS in meeting housing need and the extent to which the sector delivers effective housing outcomes, particularly in relation to tenants on low to middle incomes.

The report covers:

- The East Lothian Private Rented Sector Profile
- The impact of Short-term Lets on the PRS in East Lothian
- Affordability Analysis
- Key Research Findings and Conclusions

Private Landlords, Letting Agents and Tenants took part in surveys – online questionnaires and telephone interviews.

The landlord surveys included questions on:

- Property portfolio and profile
- Approach to tenancy management
- Approach to rent setting
- Property condition and maintenance
- Future intentions

For tenants, there were questions on:

- Profiling the tenant population
- Suitability of current home including property condition and repairs
- Housing choice options and access
- Current housing status and future intentions
- Tenancy management experience
- Housing costs and affordability

The full report will be available online at www.eastlothian.gov.uk soon.

Short-term Let Licensing

This 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.

On 1st March 2023 the Scottish Parliament approved legislation to extend the deadline by which existing hosts must apply for a licence by 6 months to 1 October 2023.

A New Housing Standard

This new standard will replace the Tolerable Standard. The Scottish Government are currently working on a consultation document and draft impact assessments for publication later this year. The consultation will cover the principles of a new standard, enforcement, assistance etc. A consultation, aimed for next year, will look at specific elements of a new standard. There is awareness of sensitivities around the cost of improvements for home owners in the current cost of living crisis and it is emphasised that this is a long term change, and Ministers will not want owners to be confronted with huge bills and no means to pay them – this does not mean that owners are not responsible for meeting the cost, but the Scottish Government will consider how to allow landlords time to plan and pay for work needed on their rental properties.

Tenement Maintenance

The Scottish Law Commission has accepted a Law Reform Project to look at tenement maintenance and mandatory owners associations. See www.scotlawcom.gov.uk.

Research by Diffley Partnership on owners associations and building reserve funds has been completed and will be published shortly.



Amending the Repairing Standard

Changes to the repairing standard come into force on 1 March 2024. A summary is online [HERE](#). The Scottish Government is drafting guidance for landlords to support the new elements in the standard which will be circulated to stakeholders later this year.

Landlord Accreditation Scotland (LAS)

in partnership with East Lothian Council



Ending a tenancy, the legislation: understanding notice grounds and getting the paperwork right

CORE INFORMATION PROGRAMME

1 March 2023, 10.00am – 11.15am

When ending a tenancy, there are a number of legal considerations to take into account. Whether you have a PRT or SAT you need to be aware of the best way to serve notice and end a tenancy.

There are a number of ways a tenancy can come to an end, this webinar is designed to keep you informed of the legislation behind each way.

Course content:

- Understanding the grounds for repossession of Private Residential and short Assured Tenancies
- Getting the timing right
- Completing and serving notices for both PRT and SAT

Managing the end of a tenancy

CORE INFORMATION PROGRAMME

7 March 2023, 2.00pm to 3.00pm

This webinar deals with the communication and associated tasks when the tenancy is coming to an end, considering the reason for the tenancy ending.

Course topics:

- Landlord ending the tenancy including dealing with anti-social behaviour
- Tenant ending the tenancy
- Communication with tenant about the end of tenancy requirements
- The checkout inspection and follow up

Dealing with abandonment

BEST PRACTICE TRAINING

8 March 2023, 2.00pm to 3.00pm

This webinar provides a practical guide to dealing with abandonment of a privately rented property, highlighting the landlord's legal position and best practice measures when you believe the tenant has left the property without giving notice. The webinar will assist landlords in taking appropriate action to ensure that both PRTs and SATs are ended correctly when they believe that the tenant is no longer residing at the property.

Course topics:

- Establishing abandonment
- Abandonment checklist
- Tenant notification
- Relevant tenancy clauses
- Terminating the tenancy

Understanding landlord repairing and maintenance obligations

CORE INFORMATION PROGRAMME

14 March 2023, 2.00pm to 3.00pm

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 covered in this session:

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

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

Safety compliance and certification for private rented property

CORE INFORMATION PROGRAMME

21 March 2023, 2.00pm to 3.00pm

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 covered in this webinar:

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

Managing common repairs

CORE INFORMATION PROGRAMME

22 March 2023, 10.00am to 11.00am

This webinar provides landlords with a guide to the regulations involved in joint repairing responsibilities that come with the ownership of property with communal obligations.

Topics include:

- Rights and obligations of tenement flat owners
- Managing common repairs
- Working with property factors
- Managing payment for common repairs

Preparation for possession actions

CORE INFORMATION PROGRAMME

24 March 2023, 10.00am to 11.00am

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 bring a possession action through the First-tier Tribunal for Scotland (Housing & Property Chamber).

Topics include:

- Grounds for repossession under then 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 order

Mediating skills for landlords

BEST PRACTICE TRAINING

28 March 2023, 2.00pm to 4.00pm

The aim of this online workshop is to support landlords dealing with conflict that can arise during a tenancy. The workshop is designed to help landlords who find themselves in difficult situations, looking at how matters can escalate and examining how skills and techniques used in mediation can help.

Topics covered:

- Understanding how conflict can arise
- Effective communication
- Introduction to mediation

Creating Inventories

BEST PRACTICE TRAINING

29 March 2023, 2.00pm to 3.15pm

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.

Course topics:

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

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

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

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



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