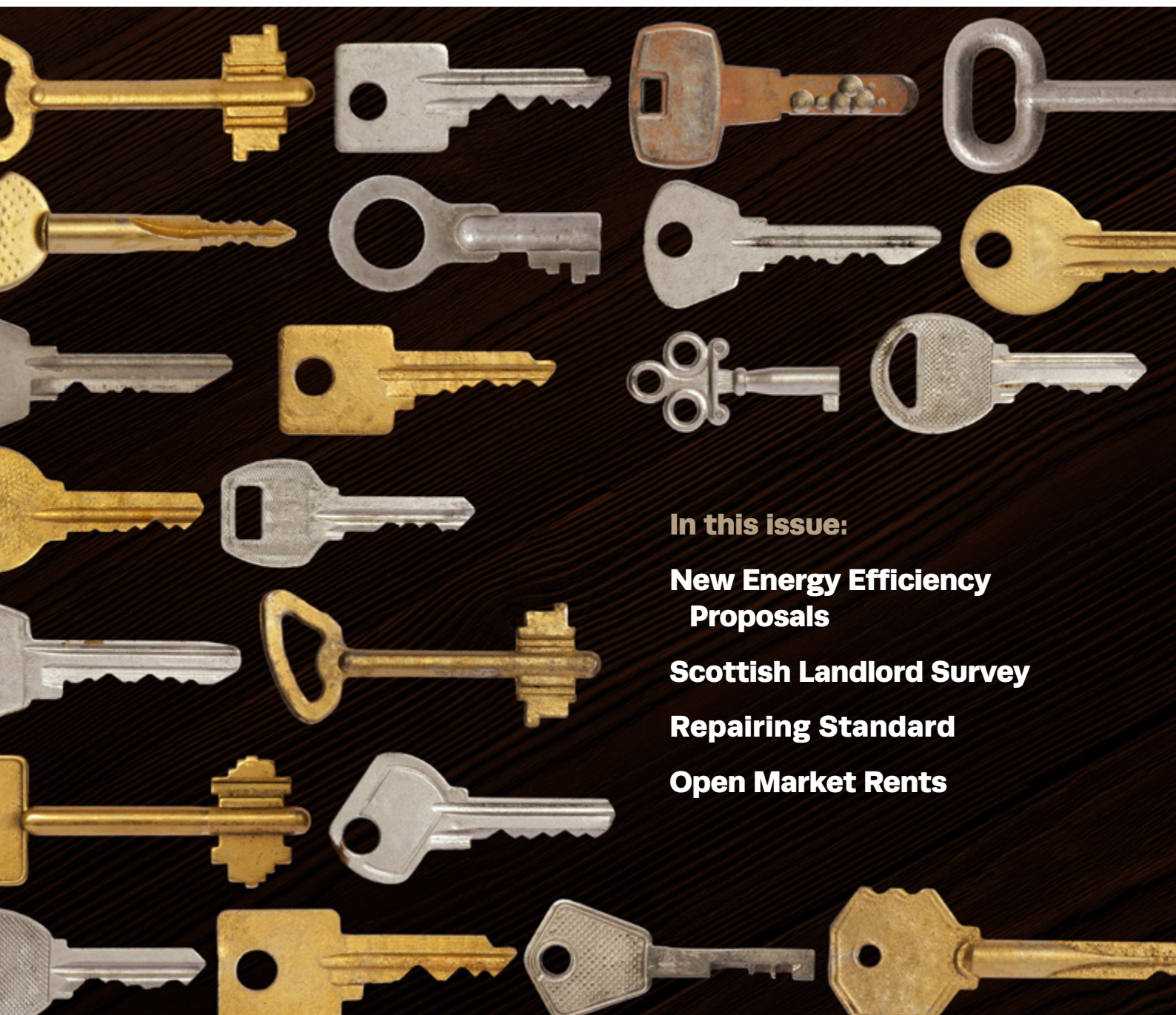


Key Notes

East Lothian Council's Newsletter
for Private Sector Landlords

Issue 14
February
2024



In this issue:

**New Energy Efficiency
Proposals**

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New energy efficiency proposals and withdrawal of minimum EPC plans

For over a decade the Scottish Government has been planning to introduce a minimum energy efficiency standard for properties in the private rented sector (PRS).

These plans and proposed dates have changed many times. The Scottish Government published a consultation setting out their new proposals to improve energy efficiency in all properties in Scotland – both homes and non-domestic buildings.

This consultation ends on **8 March 2024** and can be found [HERE](#) .

Proposals include:

- **The use of polluting heating systems* will be prohibited after 2045**
- **Those purchasing a home or business premises are required to end their use of polluting heating systems within a fixed period, following completion of the sale**
- **Homeowner to make sure that their homes meet a reasonable minimum energy efficiency standard by 2033**
- **Requiring private landlords to meet this minimum energy efficiency standard by 2028**

** Polluting heat systems are considered to be gas and oil boilers and liquid petroleum gas (LPG)*

Clean heating systems are considered to be heat pumps, heat networks, electric storage heaters and electric heating technologies which do not produce any greenhouse gas emissions at the point of use.



Scottish Landlord Survey

As a member of Scotland's Housing Network, East Lothian Council is issuing this survey to private landlords operating across East Lothian.

This forms part of a nationwide survey of landlords, across Scotland, which is being distributed by all 32 local authorities, during 2024.

The survey, which can be found [HERE](#), aims to build on Scotland's Housing Network's understanding of the private rented sector stock, profile of tenants and the profile of landlords operating in the sector.

We would appreciate if you could take part in the survey and help us understand the

current challenges and opportunities that private landlords are facing.

Your participation in this survey is voluntary and you may refuse to take part in the research or exit the survey at any time. Your answers will be completely anonymous and treated confidentially. They will not be used for any other purposes than those already indicated.

Please note that if you let properties in multiple local authority areas, you only need to complete this survey once.

Open Market rents

Citylets (who produce quarterly reports) have released their most recent findings (2023 Q4) on average rental prices in Scotland (shown below), as well as the main cities.

Beds	Average Rent	Rent change (1 year)	Av. Time to Let (TTL) (days)	Let within a month
1 bed	£796	13.2%	15	86%
2 bed	£1,054	14.1%	20	78%
3 bed	£1,355	13.6%	25	70%
4 bed	£1,848	9.4%	32	57%
All	£1,097	12.9%	20	79%

The report states that average rents in Scotland for new tenancies in the private rented sector have risen for the fifth time in a row since the introduction of the Cost of Living (Tenant Protection) (Scotland) Act 2022. **You can find the full report [HERE](#).**

Preparation for the New Repairing Standard Requirements

East Lothian Council (ELC) facilitated the above training course which Landlord Accreditation Scotland delivered, on 13 December 2023.

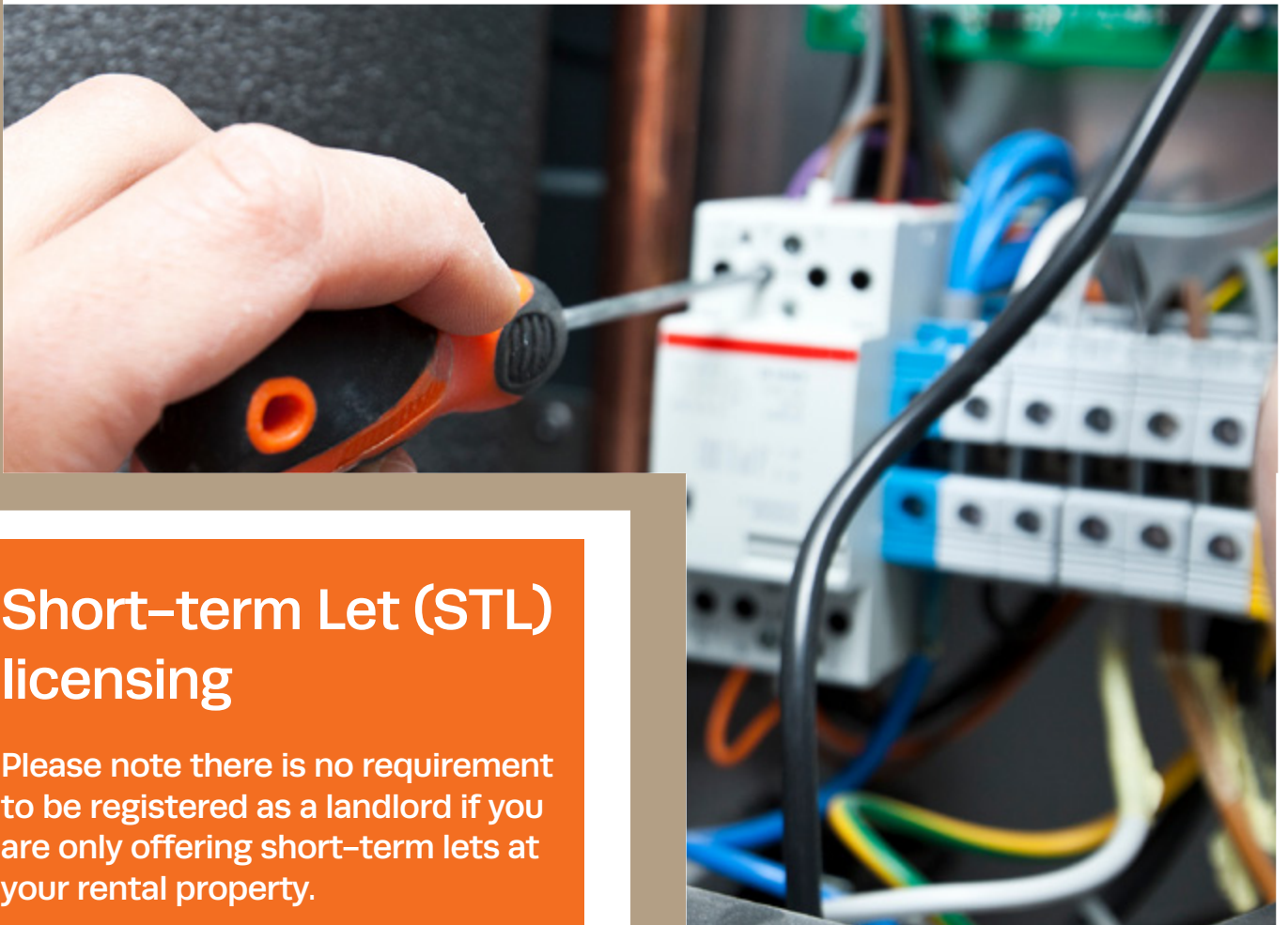
Bookings for the course reached capacity on the same day it was advertised. Due to the demand, ELC would like to offer local landlords and agents the opportunity to attend another course (1 hour webinar), free of charge. The new Repairing Standard requirements take effect on **1 March 2024**.

Topics include:

- Review of Tolerable & Repairing Standard – what are they and the obligations they put in place for a landlord or letting agent representing a landlord
- The addition of new requirements
- Understanding what actions are “reasonable” and “satisfactory” in terms of these new requirements
- Responsibilities for common parts of flats and tenements

The webinar will be on Tuesday, 27 February 2024 at 2pm **BOOK NOW** [↗](#)

Training in partnership with East Lothian Council and Landlord Accreditation Scotland




Short-term Let (STL) licensing

Please note there is no requirement to be registered as a landlord if you are only offering short-term lets at your rental property.



Judicial review finds in favour of the Scottish Government

On 2 November 2023 the Court of Session found in favour of the Scottish Government on private rented sector rent controls.

The action, raised by the Scottish Association of Landlords and others with an interest in the sector, claimed that the rent controls set out in the Cost of Living (Tenant Protection) (Scotland) Act 2022 breached the human rights of private landlords. The full judgement (running to 36 pages) can be read [HERE](#) .

It was ruled that the legal test of requiring to show that the legislation gave rise to an unjustified interference with ECHR rights for 'all or almost all' landlords in Scotland was not met. It also made clear that treating the social rented sector differently from private landlords does not necessarily amount to unlawful discrimination.

Rent increases after 31 March 2024

The Cost of Living (Tenant Protection) (Scotland) Act 2022, which introduced rent increase caps and the eviction moratorium, will end on 31 March 2024.

The government's current proposal is that from 1 April 2024 landlord can issue a rent increase notice for any amount. The tenant could then, if they wished, refer it to the rent officer for adjudication.

The rent officer would be able to restrict the rent increase through a tapering mechanism. The larger the difference between the current

rent and the open market rent, the larger the increase which would be permitted by the rent officer. This would be subject to a maximum figure yet to be announced.

Note: Rent increase notices issued before 1 April 2024 are still subject to the 3% cap, even if the increase doesn't come into force until after that date.

As well as the Core Information Programme (below), LAS run a Best Practice Programme covering:

- Creating Inventories
- Dealing with abandonment
- Dealing with anti-social behaviour – the requirement for evidence
- Chasing the debt
- Dealing with difficult tenants

- Dealing with rent arrears

CORE INFORMATION PROGRAMME

Managing the end of a tenancy

21 February 2024, 10.00am – 11.00am

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

Topics include:

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

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

21 February 2024, 2.00pm – 15.15pm

This is an essential webinar for all those involved in serving notices for both Private Residential Tenancies (PRT) and Short Assured Tenancies (SAT), to ensure that landlords have the knowledge needed to successfully complete and serve the correct notice.

Topics include:

- Understanding the grounds for repossession of PRT and SAT
- Getting the timing right
- Completing and serving notices for both PRT and SAT

Landlord Guide to finding a tenant and offering a tenancy

29 February 2024, 2.00pm – 3.00pm

Success when renting your property start off with finding the ideal tenant. By ensuring you follow best practice and legislative requirements, you can ensure that you find the best tenants for your property.

Topics include:

- Advertising the property
- Conducting viewings
- Applications
- Deposits
- Using a letting agent

Data protection for lettings

5 March 2024, 2.00pm – 3.00pm

When letting property you are effected by data protection laws and a solid understanding of these laws is vital. This webinar deals with the legislation in place that makes dealing with GDPR part of letting private property.

Topics include:

- The requirement to register
- Managing data during a tenancy
- Retaining data following a tenancy
- Sharing data
- Privacy policies
- Breaches and consequences of non-compliance

Managing common repairs

7 March 2024, 2.00pm – 3.00pm

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 obligation of tenement flat owners
- Managing common repairs
- Working with property factors
- Managing payment for common repairs

Safety compliance and certification for private rented property

12 March 2024, 2.00pm – 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 include:

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

Preparation for possession actions

19 March 2024, 2.00pm – 15.00pm

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 and Property Chamber).

Topics include:

- 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 order

Understanding landlord repairing and maintenance obligations

20 March 2024, 10.00am – 11.00am

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

Managing tenant complaints

28 March 2024, 2.00pm – 3.00pm

This webinar helps landlords develop skills to deal with challenges that may arise during a tenancy, learning how to manage/de-escalate situations whilst maintaining high customer service standards.

Topics include:

- Recognising patterns of conflict unique to communicating by telephone
- Specific skills to manage/control calls
- Managing tenant expectations
- Defusing difficult situations with tenants
- Bringing matters to a conclusion

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

Contact Information

Landlord registration

01620 820623

landlordregistration@eastlothian.gov.uk

Short-term Lets Licencing

01620 827664

stl@eastlothian.gov.uk

HMO Licensing

01620 827664

hmo@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