

# Key Notes

East Lothian Council's Newsletter  
for Private Sector Landlords

**Issue 13**  
**November**  
**2023**



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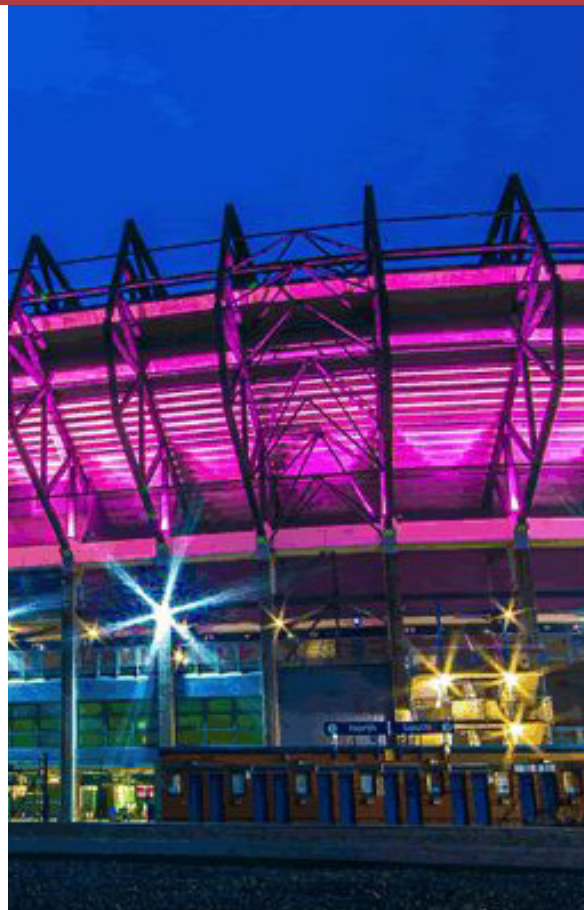


## Scottish Letting Day 8 November 2023

The conference will be held in-person for the first time since 2019 at a new venue – **Scottish Gas Murrayfield Stadium**, Edinburgh. The programme has been designed for both landlords and letting agents with speakers and experts addressing:

- **Various aspects of how to sustain and develop a lettings business**
- **What's new and what to expect for Scotland's private rented sector**
- **Energy efficiency**
- **Tax matters**
- **Changes to the Repairing Standard**
- **A buy-to-let mortgage panel**

Further details and tickets can be found [HERE](#) 



## Repairing Standard Lead Water Pipes

In addition to the information provided in the last issue of **Key Notes**, landlords need to be aware of the changes to the Repairing Standard regarding lead in drinking water.

The main cause of lead in drinking water is lead pipes leading up to, or within a property. Unless a landlord is unable to replace, due to lack of consent from other owners, lead pipes and tanks must be removed to comply with the Repairing Standard.

More information can be found [HERE](#) 



## Short-term let (STL) licensing

The requirement for all existing hosts (operating prior to 1 October 2022) to make an application for STL licensing has now passed – the cut-off date being 30 September 2023.

**Any applications received from 1 October 2023 will be treated as new hosts and so cannot operate their STL business (including taking bookings) until a licence has been granted.**

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

## First-tier tribunal judgement

A recent tribunal case has highlighted the importance of ensuring that tenancy terms are enforceable and not misleading or unfair.

A tenant raised a case against their letting agent for including an unenforceable clause – requiring the tenant to vacate their property for a 10 day period in July 2022 (as instructed by the landlord). The tribunal partially found in the tenant's favour and awarded compensation of £1,400.

The case was brought against the letting agent for breaches of the letting agent code of practice, however landlords should be aware that in a similar scenario, a tenant could instead pursue their landlord for damages.

## Consultations

### Landlord and Tenant engagement questionnaire on rented sector reform

The Scottish Government sought views on some of the proposals which have been progressed following analysis from their consultation [A New Deal for Tenants: Draft Rented Sector Strategy](#).

You can find further information [HERE](#) .

The consultation closed on 27 October 2023.

### Review of Permitted Development Rights (PDRs) (Phase 3)

PDRs provide flexibility for homeowners to carry out certain types of development without a planning application having to be approved by the local authority. The consultation focussed on addressing matters relating to the cost and climate crises and proposes some changes to PDRs covering the installation of renewable energy equipment and thermal efficiency improvements, such as solar panels and replacement windows.

The consultation closed on 23 August 2023.

## Scottish Association of Landlords (SAL)

You can keep up to date with current legislation and best practice for letting by being a member of SAL. Benefits include:

- Telephone helpline
- Member events
- Regular member e-news bulletins
- Access to online resources
- Discounted training through Landlord Accreditation Scotland
- Tradepoint discount card
- Landlord Focus magazine

You can contact SAL on  
**0131 564 0100** or  
**[info@scottishlandlords.com](mailto:info@scottishlandlords.com)**



## Fire risk from batteries

The campaigning charity Electrical Safety First have produced a report about the risks from Lithium-Ion batteries, commonly found in e-bikes and e-scooters as well as cordless vacuum cleaners and tools.

There has been a significant rise in the number of fires caused by these batteries – according to fire data in Scotland, a fivefold increase since 2019.

The full report and safety advice can be found **[HERE](#)** ↗

## Cost of Living (Tenant Protection) Act 2022

The 3% rent cap and additional eviction protections introduced in October 2022 have been further extended for a period of 6 months and will be in place until March 2024.

This will mean:

- Most in-tenancy rent increases will continue to be capped at 3% for any 12-month period
- Alternatively, private landlords can apply for increases of up to 6% to help cover certain costs in a specified time period where these costs can be evidenced
- Enforcement of evictions will continue to be paused for six months for most 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

Further information on the Act can be found **[HERE](#)** ↗

## Managing tenant complaints

4 November 2023, 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

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

9 November 2023, 10.00am – 11.15am

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

## Creating the Private Residential Tenancy (PRT)

22 November 2023, 10.00am – 11.00am

Creating a Private Residential Tenancy is an area of knowledge you can't neglect as a Scottish landlord. This webinar provides detailed information about the creation of a PRT using the Scottish Government model tenancy agreement, and covers the documentation and associated processes that a landlord needs to be aware of when putting a PRT in place.

Topics include:

- Creating a PRT
- Mandatory and discretionary terms
- Joint tenancies
- Rent increases
- Using the Easy Read Notes

## Landlord guide to changes during a tenancy

29 November 2023, 10.00am – 11.00am

Changes during a tenancy can be daunting to deal with, especially if you don't have a base knowledge in the legislation and guidelines behind the changes that can occur in a tenancy. This webinar provides landlords with essential information on handling change that may occur during a tenancy.

The course will cover regulations in place when dealing with a change of:

- Landlord / tenant / guarantor
- Rent
- Deposit
- Notification of other residents
- Changes to leases

All courses and webinars run by LAS can be found listed on their website [landlordaccreditationscotland.com](https://landlordaccreditationscotland.com) and can be booked online.



## Preparation for possession actions

1 December 2023, 10.00am – 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 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

## Managing common repairs

6 December 2023, 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

All courses and webinars run by LAS can be found listed on their website [landlordaccreditationscotland.com](https://landlordaccreditationscotland.com) and can be booked online.





## Understanding landlord repairing and maintenance obligations

7 December 2023, 2.00pm – 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 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 the end of a tenancy

12 December 2023, 2.00pm – 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.

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

## Data protection for lettings

9 January 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

## Safety compliance and certification for private rented property

10 January 2024, 10.00am – 11.00am

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



## Contact Information

### Landlord registration

01620 820623

[landlordregistration@eastlothian.gov.uk](mailto:landlordregistration@eastlothian.gov.uk)

### Short-term Lets Licencing

01620 827664

[stl@eastlothian.gov.uk](mailto:stl@eastlothian.gov.uk)

### HMO Licensing

01620 827664

[hmo@eastlothian.gov.uk](mailto:hmo@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