

# Argyll and Bute Landlords' Newsletter



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## Your Future — Have Your Say!!

Recently the Scottish Government launched a public consultation on the development of a new type of tenancy for the private rented sector.

The overarching aim of the tenancy is to improve security of tenure for tenants, while providing appropriate safeguards for landlords, lenders and investors.

The consultation seeks your views on the proposed outline of the new tenancy so this is YOUR chance to influence the future. Your answers will help shape a new, modernised and simplified tenancy system for the private sector in Scotland.

The consultation can be accessed via the Scottish Government web pages at:

<http://www.scotland.gov.uk/Publications/2014/10/9702>

Responses must be lodged by the **28 December 2014**.



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## Do you want to reduce your tax?

The HMRC Let Property Campaign gives you an opportunity to bring your tax affairs up to date if you're an individual landlord letting out residential property in the UK or abroad and to get the best possible terms to pay the tax you owe. Further information can be obtained at: [www.gov.uk/let-property-campaign](http://www.gov.uk/let-property-campaign)

To get the best possible terms, you must tell HMRC that you wish to take part by filling in a notification form or calling the Let Property Campaign helpline on 03000 514 479. You'll then have 3 months to calculate and pay what you owe—if anything.

The Government is also running live Webinars to enable landlords to meet their responsibilities with ease and also it provides Landlords the chance to ask questions.

Provisional dates for Webinars are Monday 5<sup>th</sup> January 11.00 , Wednesday 11<sup>th</sup> February 19.00, but you can check the actual dates at [www.hmrc.gov.uk/webinars/self-employed.htm](http://www.hmrc.gov.uk/webinars/self-employed.htm) Webinar name is Property income and HMRC and may also be available as a pre recorded webinar at other times.

H M Revenue and Customs is also running short E-Learning courses. So if you are renting property and you have questions on Income Tax, keeping records and expenses then this would be a good choice.

There is also a toolkit to help you fill in your tax form and this can be found at [www.hmrc.gov.uk/agents/toolkits/property-rental.pdf](http://www.hmrc.gov.uk/agents/toolkits/property-rental.pdf)

## Keeping you up to date:

### Tenancy Deposits

The requirement to lodge any deposit taken has been in place for a while now and seems to be running well. Each of the three schemes have published information in order to try and assist landlords, particularly if a dispute arises on return of the deposit. Visit their websites for more information. **Remember—all deposits** must be lodged by now irrespective of the date of tenancy commencement, you must also give details of which scheme you have used.

**Landlords who don't transfer their tenant's deposit face having to pay their tenants up to three times the amount of the deposit—even after the tenant has left the property, as tenants can take action up to three months after leaving.**

Two recent court cases (not in Argyll and Bute) include: a Landlord who was fined £3,450 (3 times the deposit) for not paying the deposit into a scheme or providing the prescribed Information; another landlord was fined £775 (the value of the deposit) for not providing the prescribed information.



**Don't get caught out, ensure your tenant's deposit is registered.**

### Housing Checks



The Landlord Registration Team has often been asked if the rental properties are ever checked to ensure that they meet the required standards. In most cases we do not inspect properties unless there are complaints. However, we are now working alongside Housing Officers and a programme of random checks on tenanted properties is being carried out. As a landlord you will always be notified that your property will be visited.

### Illegal Evictions

We have been made aware of a few potential cases of illegal eviction in Argyll and Bute. A Landlord must end a tenancy in the correct way. Usually a minimum of 2 months notice must be given to tenants, but this may vary dependent on the lease in place. Most tenants move out without any issues however if they do not then you must go to court in order to gain the property back. Eviction or removal of tenants in any other way is likely to be interpreted as illegal and will be reported to the Police as it is a Criminal Offence.

**You must also give your tenant reasonable notice if you require to access the rented property, unless it is an emergency. Remember it is their home.**



### Housing (Scotland) Act 2014

The Housing (Scotland) Bill received Royal Assent on 1 August 2014. This Act will affect both private and public landlords including: introducing a First Tier Tribunal to deal with disputes in the Private Rented Sector, give local authorities new discretionary powers to tackle disrepair in the Private Rented Sector, introduce a new regulatory framework for letting agents in Scotland, modernise the site licensing regime for mobile homes sites with permanent residents, place new requirements on private sector landlords to fit carbon monoxide detectors in properties that have carbon emitting appliances and carry out electrical safety checks every five years. These requirements are not yet due to commence but when commencement dates are announced we will provide more information.

## Keeping you up to date... ..

### Gas



As you'll be aware properties with **gas** must have a Landlord's Gas Safety Certificate, we are pleased to say, that in most cases now, the certificates are received at the time of registration. Please do check though that your Gas Engineer is GasSafe registered. You can do this at [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk) You can also check the expiry date on an engineers identity card when they arrive to do the check. Any gas certificates received, where GasSafe registration is not current, delays the approval of the landlord, and the engineer or company will be reported to the Health and Safety Executive. It may also mean you have to go to the expense of paying for a further check.

### Electricity

All electrical works must be carried out by a "competent person". It is strongly recommended that a Periodic Inspection Report (PIR) is obtained every 5 years and that you carry out a visual check of your system at every change of occupancy.

Any portable appliances provided as part of a furnished let should be Portable Appliance Tested (PAT) on an annual basis. **Statutory Guidance** is currently being drafted by the Scottish Government which will give further details on determining if a property meets the repairing standard in respect of electrical supply, installations, fixtures, fittings and appliances. Guidance will also be given on the definition of a competent person.



### Smoke and Fire Detection

The Scottish Government has revised the statutory guidance on the requirements for smoke and fire detection. You can get full guidance on this by visiting the Private Rented Housing Panel Website [www.prhpscotland.gov.uk](http://www.prhpscotland.gov.uk). – then choose Repairs Downloads for Landlords.

However, the main points relative to smoke detectors are as follows:

The revised Domestic Technical Handbook guidance states there should be at least:

- One functioning smoke alarm in the 1 room which is frequently used by the occupants for general daytime living purposes,
- One functioning smoke alarm in every circulation space, such as hallways and landings
- One heat alarm in every kitchen
- All alarms should be interlinked.



The number and position of the alarms will depend on the size and layout of the house. There should be at least one alarm on each floor.

The landlord should either install smoke and fire detectors that meet the standard set by building regulations or be able to justify why a lesser level of protection is appropriate in a particular house.

Argyll and Bute  
ADVICE NETWORK



## Registration News in Argyll and Bute

We now have over 4500 persons or companies registered to let properties in Argyll and Bute, between them letting almost 6000 properties. Most applications are approved but we have refused to register two landlords and they are in the process of being removed from letting in the Argyll and Bute area. Whilst we will always try to work with landlords to seek improvements when required we will where appropriate take such steps as necessary to ensure required standards are met.

Various strategies are employed to discover and identify landlords who refuse to register and every month around 40 new registrations are received.

In order to allow us to concentrate on those landlords who continue to avoid registration or provide poor quality accommodation, which can give the whole sector a bad name, please help us by keeping your information up to date on the registration website.

[www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk). Failure to do so could **cost you £110** if your application expires as we send renewal reminders by email and post and late fees are applied automatically, even on joint owners who normally don't have to pay any fees.

**Remember even landlords who employ an agent are responsible for their own registration renewal.**



### Want more information?

Information sources are detailed throughout this newsletter but for more you may wish to try these sites:

[www.rentingscotland.org](http://www.rentingscotland.org) - an industry-wide information hub for both tenants and landlords in the private rented sector in Scotland. It was launched 1 May, 2013 to coincide with the Scottish Government's Tenant Information Pack becoming mandatory for all private landlords to give to their tenants, but containing much more information than just that.

[www.prhpscotland.gov.uk](http://www.prhpscotland.gov.uk) - the website of the private rented housing panel, who enforce the repairing standard, however they also have much useful advice available, for both tenants and landlords, as well as publishing any decisions that they have made on issues brought to them.

[www.scotland.gov.uk/Topics/Built-Environment/Housing/privaterent](http://www.scotland.gov.uk/Topics/Built-Environment/Housing/privaterent) — the Scottish Government private renting pages that give details on current housing strategy, along with other topical issues.

[www.argyllandbuteadvice.net](http://www.argyllandbuteadvice.net) — Provide good quality Information and advice to tenants and landlords on various housing and other related topics

### CONTACTING US

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