

Argyll and Bute Landlords' Newsletter



ISSUE 3

APRIL 2013

Enforcement Matters

Recent research has indicated that landlords are keen to know what action we are taking against unregistered landlords. The Landlord Registration Team actively follow up on any reports of unregistered landlords and seek registration at the earliest opportunity.

If you know of any unregistered landlords you can report them to us directly or anonymously at www.argyll-bute.gov.uk/privatelandlords

We are also working with The Scottish Police and other Council departments to ensure that landlords are registered.

As at the 15 April 2013 there were 3,500 approved landlords and a total of 3,700 applications received. This equates to approximately 5,000 approved properties.

If a landlord fails to register or renew an application when requested the initial recourse is to impose a Late Application Fee, currently £110. To date, 140 Late Application Fees have been paid.

If a landlord's property does not meet the required standards—including the Repairing Standard—we can agree an action plan for improvement. There are 12 action plans in place and a further 30 which have been completed.

In the near future, we are planning to start serving Rent Penalty Notices on a number of unregistered landlords. These notices will stop landlords receiving rent and/or benefits for the property.

If landlords continue to flout the regulations they can also be reported to the Procurator Fiscal where they could now be fined up to £50,000.

To avoid a fine or other enforcement make sure you have returned all information requested and keep your details up to date.

At least a third of our landlords have failed to keep their information up to date. **You** are responsible for keeping your details up to date. If you employ or change agent it is **YOUR** responsibility to notify us.

Let us know if anything changes especially:

- Name and Address
- Add/Remove a property
- Agent or joint Owner
- Convictions
- Telephone Number
- Email Address

There is no charge for making these changes unless you add a property

IT IS A CRIMINAL OFFENCE NOT TO KEEP YOUR DETAILS UP TO DATE AND CAN RESULT IN A FINE OF £1,000!

DETAILS REMAIN ON THE SYSTEM UNTIL YOU ASK US IN WRITING TO BE REMOVED.

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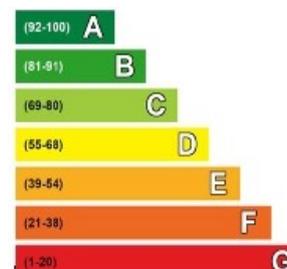


Private Rented Housing (Scotland) Act 2011 HOW DOES THIS AFFECT YOU?

ENERGY PERFORMANCE CERTIFICATES—CHANGES FROM 9 JANUARY 2013

Since January 2013 advertisements for selling or renting property, must clearly show the energy rating of the building. This includes adverts in magazines, papers, on the internet etc. It doesn't matter whether the advert is prepared by the landlord or an agent. Where there is adequate space the advertisement should show the A-G graph otherwise the rating must be shown e.g. EPC-D.

- The penalty for failing to provide an EPC rating on an advert is £200 per advert.
- If you fail to provide an EPC you could be liable for a penalty charge of up to £1,000.
- The EPC must be available to the tenant free of charge.



REMEMBER— Energy Performance Certificates are VALID for 10 years and can be passed from seller to purchaser if property changes hands.

BREAKING NEWS

We understand that in the future—possibly 2015—properties below an identified Energy Efficiency Rating will not be allowed to be let. It is likely that properties will need to be Band E or above. We will keep you informed as we become aware of new information in relation to this.

Help is available NOW to upgrade your properties, see information on Financial Assistance on page 4.

You can get advice on energy issues from AliEnergy—www.alienergy.org.uk or call 01631 565183—including free workshops and a free information pack for landlords.

TENANTS INFORMATION PACK – NEW 1 MAY 2013

From 1 May 2013, landlords are required to provide new tenants with a Tenant's Information Pack. You can download the pack from www.scotland.gov.uk/Topics/Built-Environment/Housing/privaterent/tenants/tip and add the required documents specific to your property.

Information must be in the specified form and include:

- All information regarding the tenancy,
- All information and documents regarding the property e.g. Gas Safety, EPC, Council Tax etc.
- Information about you—The Landlord e.g. Registration Number, HMO licence
- Responsibilities of Tenants and Landlords
- Repairing Standard requirements and responsibilities, further advice and support
- Who to contact in an emergency.

LANDLORD REGISTRATION NUMBERS 1 JUNE 2013

From 1 June 2013 all advertisements must display the landlord's registration number. The registration number does not need to be displayed on a "To Let" board outside the property but should be included on all advertisements in newspapers, magazines, on the internet, noticeboards, in shop windows etc. Find out your landlord registration number from www.landlordregistrationscotland.gov.uk.

If the property is jointly owned only one registration number needs to be displayed (but remember that all legal owners of a property must still be registered).

2 for 1

There is no charge for joint owners unless the Late Application Fee becomes payable

TENANCY DEPOSIT SCHEMES—FINAL DEADLINE 15 MAY

The need to place deposits in an approved tenancy deposit scheme became law on the 2 July 2012. Most deposits had to be lodged by the 13 November 2012 but all remaining deposits must be placed by **15 May 2013**, including those from existing tenants. All new tenancy deposits must be lodged within 30 days of receipt.



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.

The regulations also require you to provide your tenants with particular information on the tenancy and the deposit.

Registered landlords were notified of the change prior to this regulation coming into force in the hope that none of our landlords are caught unaware. We have been notified that deposits have been placed for approximately 27% of all approved properties.

If you hold a tenant's deposit and it is not in an approved scheme please be aware that a tenant awareness scheme and further publicity is planned for the near future. Don't get caught out visit www.argyll-bute.gov.uk/housing/private-rented-sector#tds for further details.

PRIVATE RENTED STUDY

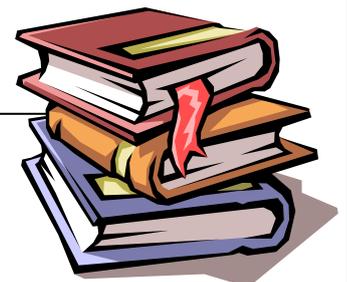
In November 2012 the Housing Section of the Council commissioned consultants Arneil Johnston to undertake a study of the private rented sector.

This involved research with tenants and landlords as well as desk-based analysis. Research commenced in January 2013 and involved a postal survey of more than 4,000 private tenants and a telephone survey of around 300 landlords. In addition, four workshops for property letting agents, solicitors and other professional stakeholders were held in February 2013 in Dunoon, Helensburgh, Tarbert and Oban.

The overall aim of the study is to inform the Local Housing Strategy and the Housing Need & Demand Assessment for Argyll & Bute and to ensure that the Scottish Government's national vision for the Private Rented Sector can be implemented locally. Specifically, we are keen to ensure a fit-for-purpose supply of private rented housing; to improve condition and tenancy management; and to establish a framework for future investment, partnership and management.

Responses to date have been positive and the feedback from the well attended workshops has been very fruitful. The results of the preliminary research will be presented at a stakeholder conference on the 10th May 2013 and a final report should be available later in the month.

For further info please contact Allan Brandie by email Allan.Brandie@argyll-bute.gov.uk or by telephone 01369 708679.



***** New benefit arrangements could affect you and your tenants *****

Find out more at www.argyll-bute.gov.uk/welfare-reform or

www.scotland.gov.uk/Topics/Built-Environment/Housing/16342/hbreform



As a landlord you are legally responsible for aspects of the safety of your tenants. A brief guide to your legal obligations can be found at www.argyll-bute.gov.uk/sites/default/files/housing/legal_obligations.pdf or visit www.betterrentingscotland.com

WHAT'S ON

- NEA & Energy Action Scotland Seminar—Glasgow 1st May 2013—Contact NEA on 0191 261 5677 for further information and booking

FINANCIAL ASSISTANCE

ENERGY EFFICIENCY

Landlord Green Appliance Scheme—Landlords can claim up to £500 to replace old, inefficient appliances such as fridges, freezers, washing machines and dishwashers.

Green Homes Cashback Scheme—Under this scheme you may be able to claim up to £1,200 cash-back on insulation, a new boiler and other energy saving work.

Green Deal Benefits for Landlords and Tenants www.gov.uk/greendeal—The Green Deal can help pay for loft insulation, boilers, solid wall insulation, cavity wall insulation, solar panels, windows and draught proofing. The Green Deal Providers undertake most work and arrange for the improvements to be installed. A Green Deal improved property will provide a warmer and more comfortable home and payments are made back through utility bills. The current electricity bill payer always makes the repayments, so YOU need to get your tenants permission and they need to get your permission before going ahead with any proposals. If your property is empty, then you will be required to pay the repayments until a new tenant is found.

The Energy Act 2011 contains powers so that from 2016, Landlords should not be able to refuse a tenant's reasonable requests for Green Deal measures to be installed.

Find out more about the above schemes by visiting www.energysavingtrust.org.uk/scotland or calling 0800 512 012.

Landlord's Energy Saving Allowance

Until April 2015 the Landlord's Energy Saving Allowance lets you claim up to £1,500 against tax for specified energy-saving improvements for each dwelling you rent. You can find out more at www.hmrc.gov.uk/manuals/pimmanual/pim2072.htm

Water Supplies

If your property is served by a private supply (i.e. not a Scottish Water supply) then you are likely to need to install treatment on it to ensure it is safe to drink. Non-means tested grants are available for this and should you require more information please visit www.argyll-bute.gov.uk/pws or telephone 01546 605519.



CONTACTING US

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