

# Key Notes

East Lothian Council's Newsletter  
for Private Sector Landlords

**Issue 15**  
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## Rent Adjudication

The process for rent adjudication has been temporarily modified for one year.

From 1 April 2024, if a tenant is concerned about the level of a proposed rent increase, they can raise it with their landlord or agent and apply to a rent officer at

**Rent Service Scotland** [↗](#)

or to the **First-tier Tribunal** [↗](#) if applicable, for a rent adjudication.

Tenants with a Private Residential Tenancy must do so within 21 days of receiving notice of the rent increase. The Scottish Government has produced an illustrative rent increase calculator to help landlords and tenants understand what the rent may be set at if a rent adjudication application is made -

**Rent adjudication - Cost of living** [↗](#)

## Housing (Scotland) Bill

The proposed Bill was introduced to the Scottish Parliament on 26 March 2024. It has been informed by three public consultations and will now be scrutinised.

The Bill covers the following:

- **Rent increases and Rent Control areas**
- **Dealing with Evictions**
- **Keeping pets and making changes to Let property**
- **Unclaimed tenancy deposits**
- **Registration of Letting Agents**

You can find the Bill as well as Explanatory Notes and Policy memorandum's **HERE** [↗](#).

## Owners' Associations


A number of years ago a Scottish Parliament working group explored what actions could be taken to improve the condition of Scotland's tenements. One of the recommendations were to introduce a compulsory Owners' Association. The Scottish Law Commission was then asked to make recommendations for law reform on this and has now published a discussion paper which can be read **HERE** [↗](#). The paper seeks views on the proposals and the consultation is open until 1 August 2024.



## 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.

# Repairing Standard

The Scottish Government have now published statutory guidance for private landlords, on the updated Repairing Standard which was implemented on 1 March 2024. The guidance can be found [HERE](#) .

The new measures in place from this date:

## **Safe Kitchens.**

The repairing standard will be amended to include a requirement to have safely accessible food storage and food preparation space in a private rented house.

## **Fixed Heating System.**

The existing duty to ensure that installations for the supply of heating are in a reasonable state of repair and in proper working order will be amended to specify that there must be a fixed heating system in a private rented house.

## **Safe Access to Common Parts.**

The existing duty to ensure that the structure and exterior of the house is in a reasonable state of repair and in proper working order will be amended to specify that where a private rented house is a flat in a tenement, the tenant must be able to safely access and use any common parts of the tenement, such as common closes.

## **Consent to Work on Common Parts.**

Section 16 of the Housing (Scotland) Act 2006, which deals with exceptions to the landlord's repairing duty, is amended to make it clear that a private rented house which is a flat in a tenement does not fail the repairing standard if work otherwise needed to comply with the standard cannot be carried out because a majority of owners in the tenement have refused consent to carry out the work.

## **Safe and Secure Common Doors.**

The existing duty to ensure fire safety in private rented houses will be amended to specify that common doors must be secure and fitted with satisfactory locks. This will be supported by Scottish Government guidance which will specify that locks must allow users to open them from the inside without a key so that they do not inhibit exit in the event of a fire.

## **Residual Current Devices.**

The existing duty to ensure that installations for the supply of electricity in a private rented house are in a reasonable state of repair and in proper working order will be amended to specify that these must include a residual current device (a device to reduce the risk of electrocution and fire by breaking the circuit in the event of a fault).

## **Lead Pipes.**

There is an existing duty to ensure that installations for the supply of water are in a reasonable state of repair and in proper working order. This guidance now specifies that the house should be free of lead pipes from the boundary stopcock to the kitchen tap, and that if this cannot be confirmed, a water quality test must be carried out.

**Other Fuels.** The existing duty to ensure that installations for the supply of gas and electricity in a private rented house are in a reasonable state of repair and in proper working order will be extended to any other type of fuel.



# Advice to your tenants about keeping their home clean and avoiding disputes

**Cleaning is one of the most common sources of claims against the deposit by landlords and letting agents at the end of a tenancy, as observed by tenancy deposit protection scheme SafeDeposits Scotland [↗](#).**

From dusty shelves and counters to unvacuumed carpets and even belongings which have been left behind, cleaning claims were present in 64% of disputes handled by SafeDeposits in 2022–23. Each room of a typical home in Scotland comes with its own considerations when it comes to cleaning, and here we take a look at some of the more common causes of cleaning claims.

Cleaning claims originating in the kitchen are quite common, as it is a treasure trove of tucked away spaces that tenants can easily forget about. Often when leaving the property, tenants will leave unwanted food in the fridges, freezers and cupboards, sometimes perhaps even intentionally as a gift for whoever lives in the property next. Whilst maybe intended as a nice gesture, this does not constitute returning the property as it

was found and a landlord or letting agent could potentially claim for any cleaning costs. Bad smells are something else which can lead to cleaning claims, and food left in the fridge can leave smells behind if it is a particularly smelly type of food or has even begun to rot. Food residue such as sticky spillages in the fridge can contribute to this so it is important that the fridge, freezer and all other appliances are given a proper clean. If an oven is not cleaned frequently, grease can accumulate over multiple uses. It's an area that can be forgotten about, but it also needs to be cleaned before leaving the property. The stovetop should be in good condition and free from any food residue, scorch marks or oil splatters.

Similarly to the kitchen's fridges and cupboards, wardrobes and drawers in the bedroom should be emptied out prior to

the tenant vacating the property. Much like with the kitchen, any personal belongings that are left in wardrobes or drawers could incur cleaning costs and result in a claim. The same applies to underneath the bed. This is another overlooked area that people often forget about often when they leave the property, but underneath the bed should be hoovered or swept just as the rest of the floor would be.

Moving on to the living room, if chairs or sofas have been provided in the property, they should be in the same condition at the end of the tenancy as has been indicated on the inventory. Stains on seats and cushions could result in a cleaning claim. Any shelves within the living room should also be dusted before the tenant moves out. Whilst not every property includes a fire with a chimney, it's important to note that some do. The tenancy agreement should indicate whether the landlord or tenant is responsible for arranging cleaning of the chimney, as well as details on how to properly maintain the fireplace.

When it comes to the bathroom, wiping down the bath, shower and tiles immediately after use can help prevent soap from sticking and hardening. Often, claims are made for the replacement of the sealant around the bath and shower, and the tenant can prevent things from progressing to this stage by making sure they clean here regularly. Additionally, much like with other rooms, no personal belongings should be left behind such as unwanted toiletries. Finally, the tenant should ensure that they wipe down the sink, bath, shower, and inside of toilet bowl prior to leaving the property.

## Local Housing Allowance (LHA) Rates

Following a four-year freeze, LHA rates increased on 1 April 2024.

The LHA rate determines the amount that tenants in receipt of benefit can receive towards their housing costs. If a tenant's rent is more than the LHA rate, they are responsible for making up the difference directly to the landlord.

LHA rates relate to the area in which the housing-benefit claim is made. These areas are called Broad Rental Market Areas (BRMAs), defined as

*"where a person could reasonably be expected to live taking into account access to facilities and services".*

A selection of rents in the area are used to determine the LHA for each category of housing (number of bedrooms) in the area. The rates are shown on a weekly basis and are published once a year.

The rates for April 2024 to March 2025 can be found [HERE](#).

### Lothian (including City of Edinburgh, East Lothian and Midlothian)

Shared	£109.32
1 bedroom	£172.60
2 bedroom	£223.23
3 bedroom	£216.44
4 bedroom	£501.70

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

### Landlord Guide to finding a tenant and offering a tenancy

26 June 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

### Landlord guide to changes during a tenancy

3 July 2024, 2.00pm – 3.00pm

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

### Data protection for lettings

24 July 2024, 10.00am – 11.00am

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 tenant complaints

1 June 2024 and 13 August 2024

10.00am – 11.00am and 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

17 July 2024, 2.00pm – 3.15pm

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

## Managing the end of a tenancy

30 July 2024, 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.

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

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

## Preparation for possession actions

5 June 2024 and 14 August 2024,  
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

## Understanding landlord repairing and maintenance obligations

20 March 6 June 2024 and 6 August 2024,  
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

## Safety compliance and certification for private rented property

1 August 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

## Managing common repairs

11 June 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

## Creating the Private Residential Tenancy (PRT)

4 June 2024 and 21 August 2024

2.00pm – 3.00pm and 10.00 am – 11.00am

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

## Dealing with rent arrears

12 June 2024 and 14 August 2024

10.00am – 11.00am and 2.00pm – 3.00pm

This webinar helps landlords put plans in place to manage the situation when becomes apparent that the tenant may not pay their rent or is already accruing rent arrears. Regulations are in place that require landlords and letting agents to take specific steps called 'Pre-action Requirements' prior to serving notice on the ground of rent arrears.

Topics include:

- Early intervention – understand the likely causes of rent arrears
  - Good communication – important in encouraging the repayment of arrears
  - Pre-actions requirements
- Timeframe for effective arrears management



## 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](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