

Key Notes

East Lothian Council's Newsletter
for Private Sector Landlords

Issue 17
January
2025



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Tenancy Deposits

Under the **Tenancy Deposit Schemes (Scotland) Regulations 2011**, there is a legal requirement when it comes to handling the deposit the landlord has been paid by the tenant. In addition to lodging the funds with one of the three approved tenancy deposit schemes (details provided on the last page of this newsletter), you are required to provide your tenant with key information within 30 working days of the tenancy start date (the same timeframe allowed for lodging the funds).

This information is known as **Prescribed Information** consists of:

- **Confirmation of the amount of the tenancy deposit paid by the tenant and the date it was received by the landlord**
- **The date which the deposit was paid to the deposit scheme**
- **The address of the property to which the deposit relates**
- **A statement the landlord is registered with the appropriate local authority**
- **The name and contact details of the tenancy deposit scheme being used**
- **The circumstances in which the deposit may be retained at the end of the tenancy**

Should the deposit not be lodged with an approved scheme, or the information above not provided to the tenant, the tenant could have reason to apply to the First-tier Tribunal (Housing and Property Chamber) for a sanction against the landlord. The Tribunal can order the landlord to pay up to three times the amount of the deposit if it has been determined that the landlord has failed to comply with the regulations.

Housing and Property Chamber Annual Report 2022-23

The full report can be accessed **HERE** [↗](#)

There are six main categories of application within the HPC jurisdiction:

1. Private Rented Sector
The three biggest of PRS applications (in terms of volume) are:
Eviction and Recovery of Possession
2,252 applications
Civil proceedings seeking payment orders
1,250 applications
Tenancy Deposit applications seeking payment orders for monetary sanctions in respect of a failure to comply with requirements
260 applications
2. Repairing Standard
216 applications
3. Homeowner (Property Factor)
254 applications
4. Landlord (Right of Entry)
182 applications
5. Rent Assessments
30 applications
6. Letting Agent
67 applications

The full report includes details on **Case Outcomes**.

Rent Increase Statistics

Since the new procedure for challenging rent increases was introduced on 1 April 2024, Rent Service Scotland –

- Have received **938** applications from tenants. Prior to the rent controls, they received around 20 to 30 applications per year
- **210** of these applications were rejected as invalid
- **614** decisions have been made
- **86** applications have been withdrawn
- Around **50%** of applications have resulted in RSS setting the rent at the figure the landlord originally proposed
- The average turnaround time from application to decision is **4 to 6 weeks**

[Rent Service Scotland](#) 


Request for Rent Data

Rent Service Scotland (RSS) is reliant on data supplied by landlord and letting agents to assist in the assessment of open market rental values. This data is used as comparable evidence when a tenant is challenging a proposed rent increase and it is also used to assist in the setting of local housing allowance rates.

The main property characteristics required are:

- Full property address including postcode
- The rental amount and frequency of payment
- Any service charges
- Property type
- Number of bedrooms
- Number of living rooms
- Furnished/unfurnished/partially furnished
- Newly advertised/renewal/sitting tenant
- Tenancy start date

The information supplied is treated as confidential and if it is used as a comparable in a rent increase challenge, only the rent amount, street name, town, first part of the postcode and the number of rooms would be included on the rent determination notice.

[Information can be submitted to the Rent Service Scotland Market evidence form for landlords](#) 

The Radio Teleswitch Service (RTS) switch-off: What you need to know – Energy UK



The RTS uses a radio signal to tell some older electricity meters when to switch between peak and off-peak rates. It was introduced in the 1980s and is now reaching the end of its operational life, in June 2025.

Electricity suppliers will be able to offer a smart meter upgrade before the service ends on **30 June 2025**.

You are most likely to be affected by this if your property is heated using electricity or storage heaters. To find out if you will be affected please visit [Energy UK](#)



How to find out if you've got an RTS meter
If you're not sure whether you have an RTS meter, there are a few things you can look out for:

- there may be a separate switch box near your meter with a radio teleswitch label on it
- your property is heated using electricity or storage heaters
- there is no gas supply to your area. This includes households in rural areas and high-rise flats
- you get cheaper energy at different times of day. Your tariff might be: Economy 7, Economy 10 or Total Heat Total Control

If you're unsure if you have RTS equipment, contact your electricity supplier who will be able to confirm for you.

What happens if I don't upgrade to smart meters

If you decide not to upgrade, the heating and/or hot water provisions in your home or business could be affected. You may find that your heating and/or hot water is continually left on or off, or the charging-up happens at the wrong time of day.

Your electricity supplier won't be able to confirm how much electricity you have used during peak or off-peak times, which means your electricity costs could be much higher than before.


A smart meter will give you a similar service to your RTS meter. You should speak to your supplier to find out more.

Seeking repossession on rent arrears grounds?

If you are seeking to end a tenancy due to rent arrears you are required to comply with the Pre-action Protocols. There are three areas of action:

- Provision of clear information
- Reasonable efforts to agree a payment plan
- Reasonable consideration to steps the tenant is taking

You must carry out the pre-action protocols before taking a case to the First-tier Tribunal.

You can find more information on your responsibilities as well as template letters at Pre-action requirements, which apply for notices before 1 October 2022 – [LINK](#) 

Training event for East Lothian landlords


The Council will be facilitating a free-to-attend, 90 minute course covering the topic of Universal Credit. This will be held in person in Haddington and attendees can also participate online. Bill Irvine of UC Advice & Advocacy Ltd will deliver the Q & A session, which will focus on:

- How to ensure tenants maximise their entitlement to the Housing Costs element
- How to secure Direct Payments and challenge refusals
- How to help tenants challenge gaps in entitlement through suspensions and cancellations
- Any other UC or HB-related matter

The event has been scheduled for Thursday, 20 February 2025, 2.00pm.

To book a place, please email landlordregistration@eastlothian.gov.uk advising if you will be attending in person or online.

Private Rented Sector Survey 2024 – Scotland's Housing Network

SHN recently carried out a survey on the Private Rented Sector in East Lothian with the aim of this to explore the characteristics and experiences of landlords and how they acquire, let, manage and maintain privately rented accommodation. If you would like a copy of the report, please email landlordregistration@eastlothian.gov.uk 



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 common repairs

29 January 2025

2.00pm to 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. It relays the latest information about recent changes to the Repairing Standard.

Topics include:

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

Landlord guide to changes during a tenancy

26 February 2025

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

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

5 February 2025

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 a PRT and SAT
- Getting the timing right
- Completing and serving notices for both PRT and SAT

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



Data protection for lettings

26 February 2025
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

Safety compliance and certification for private rented property

15 January 2025 | 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

Understanding landlord repairing and maintenance obligations

25 March 2025
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

Preparation for possession actions

22 January 2025

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 tenant complaints

15 January 2025

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

Landlord Guide to finding a tenant and offering a tenancy

5 March 2025

10.00am – 11.00am

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

Creating the Private Residential Tenancy (PRT)

19 March 2025

10.00am – 11.00am

Creating a PRT 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

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