

## COLINTON LETTINGS

### WRITTEN SUBMISSION

We are a small family run letting agency with rental property in Scotland and support all of the feedback recommended by SAL / CLA in relation to the new housing bill. However we are particularly concerned with the new regulations for letting agents.

#### **Part 4: Letting Agents**

**Q10.** *Do you have any comments on the proposal to create a mandatory register of letting agents in Scotland, and the introduction of statutory provisions regarding letting agents' practice?*

If I'm honest I do not welcome new regulation of letting agents any more than I did the legislation of tenancy deposits. I think that many landlords generally bear costs which really should be paid for by tenants but it is not worth the time and effort to prepare and argue a case. Having said that our experience of how Safe Deposits Scotland is performing is generally very positive and I dare say it has reduced rogue landlords abilities to withhold deposits unreasonably.

So perhaps new regulations for Letting Agents will drive out poor practice and improve standards and the reputation of the industry while at the same time providing landlords and tenants with better recourse in the event that they are dissatisfied with their agent. But could it please be kept VERY SIMPLE such as a code of practice similar to the Council of Letting Agents, requiring minimal administrative burden on small businesses.

CLA have helpfully pointed out potential for confusion between agents who are registered through landlord registration (as established by the Antisocial Behaviour (Scotland) Act 2004) and registered letting agents as defined in the Bill. In order to reduce bureaucracy and avoid this confusion, registered letting agents should be automatically entered on the landlord register and the letting agent reference number should be used by all local authorities for the purposes of identifying letting agents on the landlord register (replacing the current system of giving agents registration numbers which differ from authority to authority).

**Q11.** *Do you have any views on the proposed mechanism for resolving disputes between letting agents and their customers (landlords and tenants)?*

Apparently the proposed mechanism will be appropriate in providing a simple and swift method of resolving disputes – I do hope so. I always felt that the Private Sector Landlord Team were a very effective mediator in minor disputes between tenants and landlords, such as those arising over the deposit refund at the end of the tenancy. I have yet to test out Safe Deposits Scotland Arbitration and hope never to need it. I feel the same about any Letting Agent panel but better than the stress of a small claims or other court.

## **Part 6: Private Housing Conditions**

**Q14.** *Do you have any comments on the various provisions which relate to local authority enforcement powers for tackling poor maintenance, safety and security work, particularly in tenemental properties?*

The problem of communal repairs in Edinburgh in particular has become very problematic since the withdrawal of the Statutory Repair Notice scheme. For landlords of properties in multi-ownership buildings this proposal will I HOPE be of great benefit in ensuring that essential repairs can be carried out even when some property owners can't be identified or are unable or unwilling to contribute. It will put an end to the current situation that some landlords can face in having to cover other people's share of communal repairs in order to comply with the repairing standard for their property and provide a compliant property for their tenants. Inevitably in a shared stair with up to 10 owners including perhaps businesses on the ground floor, there may be certain owners who cannot or simply will not agree to pay their fair share. Attaching these unpaid bills to any subsequent sale of the property seemed to be an excellent way of ensuring that all bills would eventually be settled and to allow essential repair works to go ahead in a timely manner.

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