

## MARTIN & CO

### WRITTEN SUBMISSION

As a landlord with rental property in Scotland I would like to make the following comments in relation to the Housing (Scotland) Bill: -

My reply below marked “red”.

#### **Part 3: Private Rented Housing**

**Q7.** Do you have any comments on the proposals for transferring certain private rented sector cases from the sheriff courts to the new First-tier Tribunal?

I say NO to this. I don't think we require First-tier Tribunal. Nothing wrong with Sheriff Court. It is the legislation, or the law that requires changing. Eviction should be done within 7-15 days, not 30 or 40 days after serving the NTQ.

This proposal will simplify and speed up private rented sector cases and make the court process more user friendly and less intimidating for landlords and tenants. This will be particularly beneficial in speeding up the eviction process for landlords who are unfortunate enough to find themselves with a tenant who fails to pay rent or commits other serious breaches of their tenancy agreement. The potential for higher quality and more consistent rulings from more specialised tribunal decision makers is also welcomed.

**Q8.** Do you have any views on the adjustments to private rented housing legislation, which are intended to enhance local authorities' discretionary powers to tackle poor conditions in the private rented sector?

I say NO to this. This is supposed to be the work of the PRPH. Why create more and more offices and work force to do the same job, and waste more of the tax payers money.

The ability for local authorities to apply to the private rented housing panel for a determination on the repairing standard will provide a means of addressing poor standards in individual properties without having to rely on the tenants to take action against their landlord. This

will assist in cases where tenants feel too intimidated by the landlord or the application process to take action themselves, or where they feel that direct action on their part may cause the relationship with their landlord to deteriorate and consequently put them at risk of losing their tenancy. It will also help in situations where the tenant has already vacated the property (or been evicted) but the local authority still wishes to take the case to the PRHP.

**Q9.** Do you have any comments on the Scottish Government's intention to bring forward provisions at Stage 2 to provide additional discretionary powers for local authorities to target enforcement action in an area characterised by poor conditions in the private rented sector?

I say NO to this. We don't need the local authorities to do this job. PRPH should be responsible to do this job. This organisation was created in the first place for the benefit of tenants and for them to report a landlord who keeps a property in poor conditions.

This proposal will not only benefit those tenants who reside in areas characterised by poor conditions in the PRS, but will also improve the overall image of the PRS, which for some time has suffered at the hands of poor landlords and letting agents. It will also assist local authorities who are undertaking regeneration work in particular areas in forcing private landlords to improve their properties in line with other properties in the local area.

#### **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?

I certainly say YES to this and it is about time, too. Un-professional letting agents and landlords do a lot of damage to the professional letting agents. There must be a law to require any individual who wish to run a letting agency, or landlord who wish to be in the lettings business to have a licence, not just register. It should be a compulsory that one MUST be qualified, with a certificate that he/she passed the Housing Scotland Act legal training courses set by ARLA, NAEA, etc. Without this qualification, one should NOT be allowed to run a letting

agency, or let a property. OFT must check every letting agency office if the person running a letting agency is qualified, or not. OFT must have the powers to shut an office if found out violating this law. All letting agencies MUST at least register to any lettings organisations, i.e. SAL, CLA, LAS, ARLA, NALS, RICS, NLA, UKALA, etc. After all, no one will not hand their car keys to someone to fix it, if the person is not a qualified car mechanic? The same logic applies to renting. Why do people trust a landlord or agent who has no qualifications, no training whatsoever to rent a property and who knows nothing about the housing legislation? Or just ignore the housing legislation. PRS is highly legislated in this part of the world and one MUST be compliant before even contemplating to do this business. The main problem really is; the government is too soft that anyone can just go into this type of business without any problem.

This is a welcome proposal as it 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.

There is the 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)?

Not required. We already have The Property Ombudsman to deal with agent/landlord/tenant disputes. We also have the TDS who deals with deposit dispute. The gov't should make it a compulsory to all letting agents to join the TPO and have a proper complaint procedure. Without TPO membership, they should NOT be granted a licence to run a lettings business.

The proposed mechanism is appropriate in providing a simple and swift method of resolving disputes.

## **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?

**I say YES to this to raise a higher standard of the condition of tenemental rental properties.**

For landlords of properties in multi-ownership buildings this proposal will 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.

**MARTIN & CO**  
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