

TUGHAN & COCHRANE PROPERTY MANAGERS

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: -

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?

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?

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?

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?*

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)?*

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?*

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.

Tughan & Cochrane Property Managers
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