

Private Housing (Tenancies) (Scotland) Bill**Written submission to the Infrastructure and Capital investment Committee****Ken Layhe**

Having read through the proposals I strongly disagree with the proposed removal of the "no-fault" ground for repossession (especially in relation to student flats). I am sure this type of tenancy agreement led to the increased number of properties available to rent over the years and its removal may well have the opposite effect. Surely this is not the intended outcome and the legislators should think very carefully before doing away with it.

Whilst the proposals may not have much of an effect on one of my properties which is currently let to a family as the tenancy can and has changed at different times of the year. It however has the potential to seriously affect the letting of flats to students which tend to be let at specific times of the year, ie the summer months. I currently let two flats to students in Aberdeen which are let on a rolling Short Assured Tenancy commencing and ending around the end of May/June. This allows me to advertise the flats in April when the students are beginning to look for accommodation for the summer and the following academic year/s. This has for the last 14 years provided certainty for myself as landlord and for my student tenants, most of whom stayed on for 3 years. Throughout this time every tenancy has ended by mutual agreement at the appropriate end date, normally once they have graduated.

Under the new proposals it appears that I would have difficulty gaining possession should any future student tenants decide to stay on in Aberdeen. The problems will occur if they then decide to leave later in the year outside the student flat hunting season. I have had one experience of this albeit self-inflicted. Several years ago I decided not to renew the HMO Licences for the flats due to the huge increase in the cost of the licences coupled with the cost of meeting the new requirement to replace all 2 inch thick solid wood internal doors (which are very fireproof) with ply board fire doors coupled with the £400 fee for a building warrant. I therefore had to ask the 3 tenants in each flat to leave at the end of December as I would have been breaking the law. I was unable to find new student tenants at that time of year and had to wait until the following April/ May. On that occasion I was prepared to lose rent as I wished to stay in the student market.

Should I lose the right (if required) to end a tenancy under the no fault rule and I am left in the situation described above I will if necessary let the flats to non students rather than lose rent. If that becomes too much hassle due to tenancies changing more frequently and by the never ending onslaught of ever increasing restrictive legislation I will sell the properties. This will at a stroke remove two good quality student flats in Aberdeen where I perceive there is an acute shortage. I base this on the response I have received the last three times I have let my properties. Within 12 hours of placing adverts on the student accommodation web site I received over 40 enquiries on each occasion and totals of over 60 before pulling the adverts after 48 hours. I am certain I am not the only landlord who will either seriously consider or actually sell their properties.

If your political masters are hell-bent on removing the "no-fault ground" perhaps a specific student tenancy could be created which would allow a mutually agree end date to be incorporated. This would help maintain the number of student flats and failure to do so could well bring the law of unintended consequences into play.

Ken Layhe
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