

Private Housing (Tenancies) (Scotland) Bill

Written submission to the Infrastructure and Capital investment Committee

Christopher Lewin

I should like to submit evidence on the Private Housing (Tenancies) Bill, as follows.

I currently let out a property I own in Edinburgh and I am anxious about the provisions of the Bill. If it goes through in its present form, I shall probably sell this property and unless the purchaser lets it out, there will be one less property to rent in the city.

Under this Bill the pendulum swings much too far towards protection of the tenant, without taking account of the landlord's legitimate interests. In particular the non-payment of rent should be automatic grounds for almost immediate eviction by the tribunal once the rent has been outstanding for (say) 5 weeks. If the non-payment is due to a benefit (or any other remittance which the tenant normally receives) being delayed, this is not the responsibility of the landlord and should not be grounds for delaying the eviction - it should be up to the tenant to put pressure on the paying authority to pay on time or else take a short-term loan. It may be that the benefit or other remittance will never be paid, but this may not become clear for several months, and it is unfair that the landlord should receive no rent during this period.

The time limits set out in the bill are too long, meaning that a tenant who can lawfully be evicted has the power to delay eviction for too long, while the landlord receives no rent. This is unfair.

I see no provisions in the bill stating that the tribunal must give its decisions within a certain period. Possibly a backlog of cases will build up, meaning that a landlord seeking eviction for non-payment of rent is out of pocket for many weeks or even months longer than the times specified in the bill. It could all develop into a bureaucratic nightmare.

While it is entirely proper that tenants should have a reasonable degree of protection, I suggest that the bill needs considerable improvement to avoid the private rented sector in Scotland shrinking dramatically, which could do great damage to the country.

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