

Private Housing (Tenancies) (Scotland) Bill

Written submission to the Infrastructure and Capital investment Committee

Edinburgh University Students' Association (EUSA)

Edinburgh University Students' Association (EUSA) welcomes the proposals to further reform the private rented sector. We strongly support the introduction of a new simplified tenancy which would provide more security for all tenants. We further welcome proposals which would protect tenants from unreasonable rent increases. Many of our members rely on the private rented sector for housing throughout the year and we believe that these proposals would improve their renting experience.

We believe that the Bill should:

- Remove the no-fault ground for repossession.
- Introduce rent controls between as well as during tenancies, and link them to cost of living and quality of housing.
- Make repossession grounds discretionary and ensure tenants are able to appeal.
- Introduce a new tenancy which rolls-over on a monthly basis after the first initial period.

New tenancy

We support the introduction of a new and simplified tenancy agreement. We support a default minimum tenancy period of six months, but believe that tenants should be able to agree shorter or longer initial periods if it suits them better. Different tenants have different requirements. Student tenants can require more flexible tenancy arrangements due to the nature of the academic year, course work deadlines, graduations, exam dates and the length of their course and placements.

No fault ground

We welcome the proposed removal of the no-fault ground for repossession. If tenants fulfil all of their contractual duties then they should be able to remain in the property as long as the landlord does not have any reason to repossess, such as they plan to sell or change the use of the property. This would provide more security for tenants and give them more confidence to challenge issues when they arise with landlords, such as delayed repairs and illegal fees. Tenants would feel more confident in making longer term plans if they were sure that they would not be asked to leave their home after the initial tenancy period ends.

Repossession grounds

EUSA supports the reform of the grounds for repossession but we think that all of the grounds should be discretionary in order to protect tenants. We believe that several of the grounds are open to abuse. We are particularly concerned about the repossession grounds of 'tenant has otherwise breached the tenancy agreement' 'refurbishment' and 'rent arrears'.

We think that the ground for repossession of 'tenant has otherwise breached the tenancy agreement' puts tenants at risk of being evicted for a minor breach of their

contract. We strongly believe that this should be at the discretion of the Tribunal. It should be clear what the breach relates to and that it is indeed a breach of a fair tenancy term.

We are concerned that landlords could use the ground 'refurbishment' as an excuse to repossess their property and only actually intend to undertake minor repairs. In some cases a refurbishment might be able to take place with the tenants in the property. Landlords and letting agents must be able to show that the refurbishment is necessary and extensive and that it would be unreasonable to expect them to carry out the refurbishment with a sitting tenant or to be expected to rehouse the tenant during the refurbishment.

We strongly believe that the proposed repossession ground of 'rent arrears' should be discretionary. As *Private Sector Rent Statistics, Scotland, 2010 – 2015* shows rents have increased significantly in recent years. Sometimes tenants fall into rent arrears through circumstances outwith their control, for example as a result of a delay in housing benefit or student loan payment. They should be given the opportunity to get back on track with payments and it is crucial that they are also given advice and support to do this. Eviction should be a last resort. Furthermore, we believe that the Tribunal should be given the discretion to adjourn proceedings, for example to monitor repayments to rent arrears.

Student accommodation

We do not believe that there should be a separate repossession ground for student lets. The proposals in the Bill would make positive changes to the private rented sector and improve security for tenants. However, students would not benefit from these improvements if they were exempt from the new tenancy arrangements. Student tenants in Edinburgh face high competition to secure flats and are vulnerable to unscrupulous landlords. They often feel rushed into signing contracts as much as six months in advance, which can cause problems if students end up not continuing. Student tenants must benefit from the new security this Bill would offer.

The current student cycle does not reflect the true nature of student requirements. Some students are part-time, mature, or study in their home city and require rented accommodation of a more long-term nature. Others drop out during their course and need to leave earlier than the end of the academic year. Some students wish to stay in their rented property during the summer and the new tenancy would allow them the flexibility to do that. It is in tenants' interests to give notice at the correct time as they would not want to be liable for more rent than is necessary. However, we recognise that education would be important to ensure that tenants knew it was their responsibility to serve notice.

We think that university halls of residence should be an exception. We agree that universities should be able to retain properties within the normal student or academic cycle since rooms in halls must be available for new students. However, we believe that universities should not be exempt from other parts of the Bill, such as rent controls.

Rent increases and rent pressure zones

We welcome proposals to introduce rent controls and to allow Ministers to cap the levels of rent increases in areas where rents are rising excessively. However, we urge the Scottish Government to extend the regulations to initial rent setting at the start of a tenancy as well as during the tenancy. We further believe that rent increases should be linked in some way to quality and to the average income of residents in the area.

The introduction of rent controls during tenancies would help provide some certainty for tenants and help them to manage their budget. However, we believe that in order to make private renting more affordable rent controls should extend to rents set between tenancies. Many students rely on private rented accommodation. They also rely on student loans and bursaries to pay for their accommodation and have access to little or no other income. They must manage their money carefully or potentially face dropping out due to lack of finances. Particularly in areas where rents have increased significantly in recent years student tenants are at a disadvantage.

We think that rent increases should not take place more than once every eighteen months and that tenants should be given no less than sixteen weeks' notice of a rent increase in order for them to have adequate time to plan.

Crucially tenants should be able to refer a rent increase that they believe to be unreasonable to a Rent Officer. The process should be simple to access and must not incur any cost to the tenant. Work to ensure that tenants were aware of their right to refer and how to do it would be essential.

Jonny Ross-Tatam

President

Edinburgh University Students' Association (EUSA)

November 2015