

Private Housing (Tenancies) (Scotland) Bill

Written submission to the Infrastructure and Capital investment Committee

The Roxburghe Estates

The Roxburghe Estates has a portfolio of 143 rural properties in the Scottish Borders let on short assured tenancies. Some of these are long standing agreements while others are shorter term reflecting the regular turnover and movement of tenants as their circumstances and requirements change. But in the majority of cases, where a tenant wishes to continue after the initial 6 month term, the tenancy will be extended by agreement. The length of time the tenancies have been in place is summarised below:

	No. of SATs
> 10 years since commencement	46
5-10 years since commencement	24
2-5 years since commencement	28
< 2 years since commencement	<u>45</u>
Total	143

The issue of termination of a short term tenancy arises only in certain limited circumstances:

- 1) The tenant is in breach of the lease
- 2) The property is required for an estate employee
- 3) The property requires improvement

In the first case, if a tenant has fallen into arrears of rent and has made no effort to pay or is consistently late in payment or is behaving in an anti-social manner the Estate may decide to give notice to bring the tenancy to an end. While the Bill contains provisions for termination for anti-social behaviour we are concerned that this requires evidence to be submitted to a tribunal on the nature of the anti-social behaviour. This may well require a neighbour to provide relevant evidence. This draws a third party into an action for recovery of possession over the tenant's conduct. This is a very different position to the neighbour reporting an incident or incidents to the landlord and the landlord investigating and taking action. The 'no-fault' ground for repossession is a far less contentious way of terminating a tenancy in situations of anti-social behaviour and avoids potential issues arising between neighbours.

In the second case, it is essential that a landlord should have the right to resume possession of a property where it is required for an employee. Taking the example of a let cottage on a farm where the farmer has let a surplus cottage but, because of a change in his circumstances or in the business, he requires the house for an employee it would be unreasonable not to have the right to do so. Without the availability of a provision to resume possession in these circumstances the effect will

be that many farm cottages will lie empty. This would have serious consequences for housing supply and housing need in rural locations.

It may also lead to an increase in rent in response to a rise in demand for a smaller number of available properties. Securing affordable rented properties is essential and Roxburghe Estates, like other rural landlords, is committed to making properties available at affordable rents but it would be hugely damaging to this aim if housing supply was restricted as a consequence of ill-conceived legislation.

In the third case, we note that the Bill contains provisions enabling possession to be recovered where a landlord intends to refurbish the property. We support this important provision.

The Roxburghe Estates hopes that its concerns will be addressed during the passage of the Bill and that legislation is not introduced which has a negative impact on housing supply in rural areas. Confidence is key to ensuring properties are let and occupied and in reforming the housing legislation we would urge members of the Scottish Parliament and the Scottish Government not to support measures which will erode confidence of landlords. Retention of the 'no-fault' ground would send an important message that landlords' property rights are being protected under the new legislation.

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