

## **Private Housing (Tenancies) (Scotland) Bill**

### **Written submission to the Infrastructure and Capital investment Committee**

#### **Clive Kennedy**

I may be too late to make comment about the above proposals as I have one real concern.

I note that no action can be taken to take matters further or remove a tenant, from the point of view of non-payment of rental, until after 3 months non-payment and furthermore not at all if this is due to non-payment of benefits to a tenant by a government.

I wish to point out that in my considerable number of years experience that leaving non-payment for a period of 3 months does not help the tenant at all as they get into the habit of not paying (we need to help them manage their affairs quickly) and then they are likely to get into further trouble for themselves. This should not be left for this long period as they will think that they are getting away with it and making arrangements after this time means that they are unlikely to be able to pay along with other bills not being paid. I surmise that no real action can therefore take place until 5 or more months after the initial non-payment. This is too long and they, in my experience will never be able to manage their affairs.

Certainly not permitting action to be taken because of what a government is not doing seem particularly perverse; indeed so long as it is implied that there is a non-payment (who can actually check this due to data protection?) then the non-payment will continue for ever which is unacceptable. In that case a landlord would have to sell up or risk the mortgagee taking them to court for non-payment and then most likely the resumption and sale of the property which is then lost to the essential rental market.

In addition, it must also be realised that landlords often have the property on a mortgage and as such the margins are very small and even one months non-payment loses all the profit and then three months loss of payments mean the only recourse would be for a small landlord to sell the property and this is allowed as a reason for ending a tenancy, so this is what will happen. This would also mean that it is again lost for ever to the rental market.

I hope that you may see the sense of this and seek to delete the reference to benefits.

**Clive Kennedy**  
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