

# LANDLORD RESPONSIBILITIES IN SCOTLAND

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## Becoming a Landlord in Scotland

*Jack Gallagher*

Landlord responsibilities in Scotland are different from the rest of the UK. The regulations change frequently and, increasingly, they are being enforced. You can use a letting agent to guide you, but the responsibility for compliance with the law ultimately rests with the landlord.

The list of responsibilities below covers landlords in the private rental sector in Scotland. HMO properties are not covered in this guide. In addition to the legal requirements, you should let your mortgage lender and your insurer know that you are planning to rent out your property



# Before Advertising

## Landlord Registration

All landlords in Scotland must join the Scottish Landlord Register. You must pay a fee to register and then a supplement for each property. The fees will be different in each council area. You can register at the Scottish government's [landlord registration website](#). During the registration process, you will be asked if you have met specific regulations for letting. If you have not met the regulations, you can still start the registration process.

## Energy Performance Certificate (EPC)

An EPC gives an indication of the energy efficiency of your property, and it must be provided when your property is advertised for rent. The certificates last for ten years and are included as part of a home information pack. If you purchased your property less than ten years ago, you should be able to find your EPC on the [Scottish EPC register](#) website.

*The majority of landlords would benefit from investing time learning about their responsibilities*



*These certificates are also required to complete your landlord registration*

## Before the Tenancy Start Date

### Gas Safety Certificate (GSC)

You will need a gas safety certificate if your property has any gas appliances, such as a boiler, hob, or fire. The certificate lasts for a year and will state whether the appliances are safe to use. You must use a [Gas Safe](#) engineer to do the annual landlord gas safety record check.

### Legionella Risk Assessment (LRA)

You can read about landlord's responsibilities in respect of legionella risk on the [HSE website](#). If you feel confident to carry out a risk assessment yourself there is no need to contact a professional assessor. You can download guidelines for risk assessment and a risk assessment form [here](#).

### Electrical Safety (EICR and PAT)

You must ensure that the electrical installation and appliances are safe. Any electrician who carries out these checks should be accredited by NICEIC, SELECT, or NAPIT. They will normally produce two certificates: an Electrical Installation Condition Report (EICR) and a Portable Appliance Test (PAT). An EICR should be carried out at least every five years, while a PAT normally lasts for a year. If your property was built less than five years ago your builder should have provided you with an Electrical Installation Certificate (EIC), which can be used in lieu of an EICR.



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# Before the Tenancy Start Date

## Fire and Carbon Monoxide Detection

The statutory guidelines for the installation of heat and smoke detectors change frequently and are much misunderstood. You can read the latest guidelines on the [Scottish Government website](#). The main points to note are:

- There must be a smoke detector in each lounge
- There must be a smoke detector in each circulation area, such as a hallway
- There must be a heat detector in each kitchen
- All detectors should be interlinked so that if one goes off, the others will
- There should be at least one smoke detector on each floor
- All alarms should be ceiling mounted

Carbon monoxide (CO) detectors are required whenever there is a carbon burning device installed. This includes gas boilers, gas fires and open fires. The [guidelines](#) on selecting and installing CO detectors are complex and it is recommended that they are installed by a qualified Gas Safe engineer. The engineer who carries out the gas safety inspection may be willing to do this.

## Inventory

It is important to document the condition of all areas within your property and the contents before your tenant moves in. Should you require to deduct any funds from your tenant's deposit at the end of their tenancy evidence will be required.



*The requirement is to install at least one smoke alarm on every floor of the rental property on which there is a room used solely or partly as living accommodation*



*Short assured tenancies (SATs) always last a fixed length of time (at least six months). Only tenants that moved in before 1 December 2017 may still be on a short assured tenancy.*

# Before the Tenancy Start Date

## Tenancy Agreement

Any tenancy in Scotland which started after 1st December 2017 must be a Private Residential Tenancy (PRT). The PRT is a standardized agreement which was drafted by the government to simplify and streamline the regulations covering tenancies. The government has provided an [online facility](#) to create and download a standard agreement.

The PRT was introduced as part of a broad set of changes to the regulation of private sector tenancies in Scotland, including the introduction of a tribunal service for dealing with disputes outside the courts. One of the most significant changes was enhanced security of tenure for tenants. The standard agreement makes no reference to the duration of the tenancy. Tenants can end it at any time by giving 28 days' notice, but landlords must give one of 18 grounds for ending the tenancy.

## Repairing Standards

You should make sure that your property meets the [Repairing Standard](#). The repairing standard covers a lot of ground, including:

- Your property is wind and watertight and fit for habitation
- The structure is in a reasonable state of repair
- Installations for the supply of water, gas, electricity and sanitation are in proper working order
- Appliances are in proper working order
- There must be satisfactory provision for detecting fires and hazardous concentrations of carbon monoxide.



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# During the Tenancy

## Security Deposit Protection

From the start date of the tenancy, the landlord has 30 working days to lodge the security deposit with one of the [approved tenancy deposit schemes](#) in Scotland. After lodging the deposit, the tenants must be provided with prescribed information relating to the deposit. If either of these conditions are not complied with, tenants can report their landlord, who will usually have to pay them compensation. The penalty can be up to three times the security deposit.

## Allow your Tenant Quiet Enjoyment

Although landlords and their representatives have the right to enter a tenanted property to carry out routine maintenance or inspections, the tenant must be allowed “quiet enjoyment” of the property. For practical purposes, this means that adequate notice should be given when access is required, and the tenant should not be subject to unreasonable requests or harassment.

## Repairs & Maintenance

The law requires that the property is maintained in accordance with the repairing standard at all times during the tenancy. When issues are reported by tenants, they should be satisfactorily dealt with in a reasonable timeframe. At all times your property should be compliant with all relevant safety regulations.

*A great landlord-tenant relationship will keep your tenants happy, meaning they are likely to stay longer.*