

Tenant Information Sheet

A brief guide for tenants

Tenancy Agreements

Generally there are three types of tenancy agreements, Short Assured, Assured and Private Residential Tenancies.

Short Assured Tenancy

If you rent your home from a private landlord or a letting agency then you will probably have a short assured tenancy if:

- Your tenancy started after 2 January 1989 and before 1 December 2017.
- the place where you live is rented as a home
- it is your only or main home
- you received a special notice (an AT5 form) before the tenancy started telling you that it is a short assured tenancy
- your tenancy is for at least six months

Assured Tenancy

You will probably have an assured tenancy if you rent from a private landlord or a letting agency and:

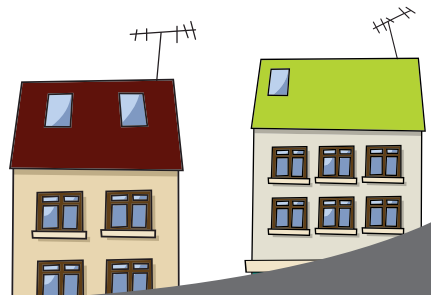
- Your tenancy started after 2 January 1989 and before 1 December 2017.

- before the tenancy started you were not given an AT5 notice stating that your tenancy is a short assured tenancy.
- you're renting the property as a home.
- it's your only or main home.

Private Residential Tenancy

If your tenancy started on or after 1 December 2017 you will probably have a Private Residential Tenancy.

- Rent increases limited to one in a 12 month period with 3 months notice
- Duty to provide written terms and easy read notes.
- Landlord applies to Housing and Property Chamber for possession instead of Sheriff Court.
- Open ended tenancy with 18 grounds for eviction.



Gas & Electrical Safety

Your landlord must arrange for an electrical safety inspection of installations and any appliances that they provide with your home, to be carried out every 5 years. Your landlord should provide you with a copy of an electrical safety certificate (an Electrical Installation Condition Report) and a record of portable appliance testing.

If your property has a gas supply, your landlord must arrange for an annual Landlord Gas Safety Record to be carried out by a Gas Safe registered engineer. You should receive a copy of this certificate. If your landlord does not provide you with a safety certificate you can contact the Health and Safety Executive for advice. If you know that your gas installations or pipework are defective, you must tell your landlord or letting agent. You must never use appliances that are condemned or unsafe.

Energy Performance Certificate

An Energy Performance Certificate (EPC) shows a property's energy efficiency. It also highlights potential improvements that could save energy. The EPC certificate should be displayed on the property, and on request, landlords must provide a copy to prospective tenants (i.e. new tenants, not tenants who are simply renewing a lease).

Repairs and Maintenance – Access

You must give your landlord reasonable access to the property to do repairs and maintenance. Your landlord must give you at least 24 hours written notice that they intend to enter the property unless they need to do an emergency repair.

The Repairing Standard

Your landlord has a duty to ensure that the house meets the Repairing Standard at the start of the tenancy and throughout the tenancy.

- The property must be wind and water tight and in all other respects reasonably fit for people to live in.
- The structure and exterior (including drains, gutters and external pipes) must be in a reasonable state of repair and in proper working order.
- Installations for supplying water, gas and electricity and for sanitation, space heating and heating water must be in a reasonable state of repair and in proper working order.
- An Electrical Installation Condition Report (EICR) and a Portable Appliance Test (PAT) Certificate must be provided every 5 years.
- Any fixtures, fittings and appliances that the landlord provides under the tenancy must be in a reasonable state of repair and in proper working order.

- Any furnishings that the landlord provides under the tenancy must be capable of being used safely for the purpose for which they are designed.
- The property must have a satisfactory way of detecting fires and for giving warning in the event of a fire or suspected fire.
- The property must have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

The main points relative to smoke detectors are as follows. Guidance states there should be at least:

- One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes
- One functioning smoke alarm in every circulation space, such as hallways and landings.
- One heat alarm in every kitchen.
- All alarms should be interlinked hard wired and have battery backup.

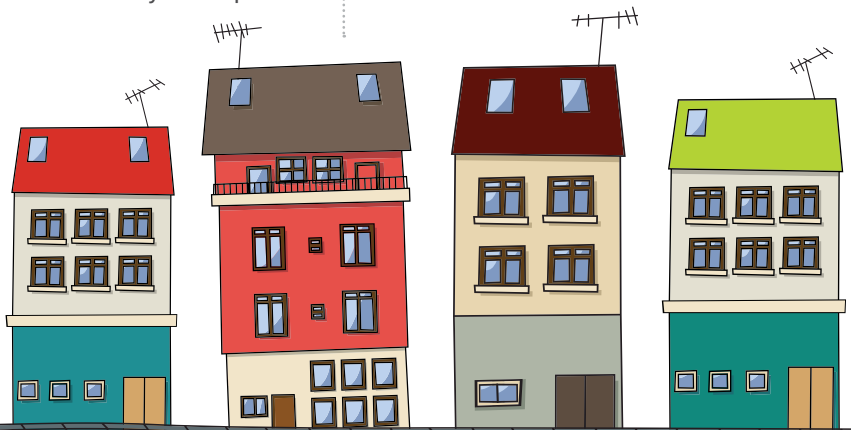
Housing and Property Chamber

If a tenant or third party (Local Authority) believes that a rented house does not meet the Repairing Standard, an application can be made to the HPC for a decision by a tribunal on whether or not the landlord has complied with that duty. The tribunal can order the landlord to carry out necessary repairs. Various enforcement powers apply.

The HPC is part of the Scottish Courts and Tribunals Service, hearings and mediation sessions will take place at suitable venues across Scotland.

Information about the HPC is available at www.housingandpropertychamber.scot or from:

Housing and Property Chamber - First-tier Tribunal for Scotland
 4th Floor, 1 Atlantic Quay
 45 Robertson Street
 GLASGOW G2 8JB
 Tel: 0141 302 5900



Harassment and Unlawful Eviction

If your landlord tries to physically remove you from the property without Sheriff Court or Housing and Property Chambers permission, they are committing a criminal offence regardless of the circumstances. Your landlord must follow the formal legal process

Related to this, your landlord has no right to use retained keys to enter the property without your permission, except in an emergency.

Deposit Schemes

If you paid a deposit for your tenancy, this should be lodged by your landlord in any of three approved Deposit Schemes. If you have paid a deposit and are unsure if it has been lodged, you can contact the schemes or seek advice via the Citizens Advice Bureau.

Safe Deposits Scotland

Lower Ground
250 West George Street
Glasgow,
G2 4QY
Tel: 03333 213136

Letting Protection Scotland

The Pavilions,
Bridgwater Road
Bristol,
BS99 6BN
Tel 0330 303 0031

My Deposits Scotland

Premiere House
1st Floor, Elstree Way
Borehamwood,
WD6 1JH
Tel: 0333 321 9402

FURTHER INFORMATION

Landlord Registration Team

Dumfries & Galloway Council
www.dumgal.gov.uk
Tel:
01387 273164 / 01776 888411
Email:
Landlordregistration@dumgal.gov.uk

Citizens Advice

(Dumfries & Galloway)
Tel: 0300 303 4321
Email: info@dagcas.org
www.dagcas.org

Shelter Scotland

Tel: 0808 800 4444
www.shelter.scotland.org