

Housing Law Contents

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DISCLAIMER

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Housing Law

Housing and Property Chamber

Bringing an action against a landlord

- ▶ If a landlord does not pay the tenant's deposit into an approved scheme, the tenant can make an [application](#) to the Housing and property Chamber of the First-tier Tribunal for Scotland. An application can be made during the tenancy or within three months of when the tenancy ended.
- ▶ If the application is successful, the Landlord will be ordered to pay a sum of money to the tenant. The amount to be paid can be **up to** three times the amount of money provided for the tenancy deposit. The amount payable is at the discretion of the tribunal who will take into account a number of factors.
- ▶ Click [here](#) for contact details for the Housing and Property Chamber.

Tenant Responsibilities

- ▶ You are responsible for:
 - ▶ Paying your rent on time.
 - ▶ Ensuring the property is kept in good condition.
 - ▶ Being considerate to neighbours.
 - ▶ Giving adequate notice if you wish to end your tenancy.
 - ▶ Ensuring you have permission from your landlord for any decorating or if you wish to sublet your property.
- ▶ Damage to the property
- ▶ If the property does not meet [The Repairing Standard](#) owing to damage caused by the tenant, the landlord is not obliged to repair this.

Landlord Responsibilities

▶ Repairing and Tolerable Standard

- ▶ All landlords (or a letting agency on a landlord's behalf) must ensure, at the start of your tenancy and throughout it, that the property you are renting meets the legal Repairing Standard. This duty applies no matter what type of private sector tenancy you have.
- ▶ You can find full details of the 'tolerable' and 'repairing' standard [here](#).

Tenancy Deposit Schemes

What is this?

- ▶ Tenancy deposits are commonly requested by landlords or letting agencies when new tenants enter into rented accommodation. This sum of money acts as a form of guarantee that the tenant will abide by their obligations under the tenancy agreement. A deposit cannot be more than two months' rent. The deposit must be paid into one of the three approved schemes and the tenant must be informed what scheme is being used. The landlord must pay the deposit into a scheme within 30 working days of the beginning of the tenancy.

What do I do if my landlord hasn't complied?

- ▶ If a landlord does not pay the tenant's deposit into an approved scheme, the tenant can make an application to the Housing and Property Chamber of the First-tier Tribunal for Scotland. An application can be made during the tenancy or within three months of when the tenancy ended. The Housing and Property Chamber of the First-tier Tribunal for Scotland is a specialist Tribunal created to help parties resolve housing disputes in the Private Rented Sector.
- ▶ The Housing and Property Chamber is the way in which remedy can be sought for disputes relating to: Property Factors, Letting Agents, Landlord Registration and Tenancy Deposits.

Common areas

- ▶ Property Factors
 - ▶ Property Factors manage the common areas of buildings (such as tenements and flats) where residents have either agreed, or are legally obliged by their title deeds or in cases where certain properties are owned by a registered social landlord or local authority, to delegate their personal responsibility for the maintenance of such areas to the Property Factor.
- ▶ Who's responsible?
 - ▶ [Shelter Scotland Common Areas Maintenance Advice](#)

COVID-19 changes to legislation

- ▶ Shelter Scotland advice on housing rights:
 - ▶ COVID19 -
https://scotland.shelter.org.uk/get_advice/scottish_housing_advice_coronavirus_COVID_19#Eviction
- ▶ Eviction
 - ▶ The Scottish Government brought in a new rule on 7th April 2020 to extend the notice period required to be given to tenants before landlords can start legal action to obtain an order for eviction. These new rules are in place until 30th September 2020 in the first instance. The change in the length of notice depends on the type of tenancy and what ground is used.
- ▶ Student Accommodation
 - ▶ [Shelter Scotland COVID-19 Student Accommodation advice](#)

Further advice

- ▶ If you are unable to reach a solution with a housing issue you can contact the Law Clinic for advice. You can submit an online enquiry or attend an IAC. We also take on clients with housing cases. If you wish to enquire please call 0141 548 5995 or email lawclinic@strath.ac.uk.
- ▶ Shelter also offer support with housing issues and you can enquire [here](#).