

## **Private Housing (Tenancies) (Scotland) Act 2016**

**The Private Housing (Tenancies) (Scotland) Act 2016 introduced new legislation on how landlords administer their tenancies and changed what type of tenancies you can offer to your tenants.**

The new legislation came into force **1 December 2017**, from that date landlord's are no longer able to issue Assured or Short Assured Tenancies. They have been replaced with a new tenancy regime which is known as a Private Residential Tenancy (PRT).

What this means is that for any new tenancy you create from 1 December 2017 you are required to issue a new Private Residential Tenancy. The new regime WILL NOT supersede any Short Assured or Assured lease your current tenant has. This means if the tenancy is renewing on a contractual basis, this can continue to renew under the Housing Scotland Act 1988 until it is brought to an end by either landlord or tenant by serving notice. If agreed by both landlord and tenant the new Private Residential Tenancy can be issued when the current tenancy comes to a natural end.

With the new tenancy, there will be no initial tenancy term between the landlord and the tenant as is current practice. The new tenancy will last until one party serves agreed notice on the other. The tenancy will be open-ended and will last until the tenant wishes to leave the let property or the landlord uses one (or more) of 18 grounds of eviction. **The tenancy agreement you sign with your tenant will also change. This will be based on a model agreement which has been developed.** Landlords will be allowed to amend this model agreement and add extra calluses, however, some information contained in with the new lease will be mandatory and will not be able to change.

One of the biggest changes with the new Private Residential Tenancy is the removal of the "no fault" ground for ending the tenancy. Landlord will no longer be able to issue a Notice to Quit without evidential reason. The period of notice served between landlord and tenants will also change under the new legislation and the current Notice to Quit will be replaced with a new "Notice to Leave".

If you send your tenant the Notice to Leave by recorded delivery post or email, you must allow your tenant 48 hours to receive it. This delivery time should be factored into the amount of notice you give your tenant

The new legislation will also give landlords the right to raise their rent in a prescribed fashion every 12 months. The legislation states landlords will be required to give tenants at least 3 months' notice of the intention to raise the rent and the tenant will have the right to ask a rent officer to review the proposed raise. Any decision made by the Rent Officer can be appealed by either landlord or tenant at the First Tier Tribunal where a final determination would be made.

### Notice Periods

#### **Tenant to landlord**

**28 days** regardless of length of tenure

#### **Landlord to tenant (where the tenant has not breached any aspect of tenancy)**

**28 days**, if tenant has occupied for 6 months or less

**84 days**, if tenant has occupied for more than 6 months

#### **Landlord to tenant (where tenant has breach an aspect of tenancy)**

**28 days**

Further information and model Tenancy Agreement can be found at <https://beta.gov.scot/policies/private-renting/private-tenancy-reform/>