

Landlord Registration Information Pack

To be completed by landlord to sign and checklist to be completed

Property Address _____

Tenancy Type _____

Registration Paid on _____

Landlord Registration Number _____

Included in this pack are the following:-

1. Welcome Letter, Including Registration number.
2. Certificate of Registration.
3. Private Letting Checklist
4. Scottish Government Information Pack.
5. EPC's & Energy Efficiency Advice
6. Smoke Alarm Information.
7. Benefit Leaflet.
8. Private Residential Tenancy
9. Tenancy Deposit Scheme Leaflet

Declaration

I confirm that I have received the above documents and that my properties meet the legal requirements listed within the Private Letting Checklist.

Landlord/letting agent signature _____

Date _____

By signing the declaration you are confirming your properties meet the legal requirements listed within the Private Letting Checklist

Private Letting Checklist

Please ensure your properties meet the requirements listed below. Failure to hold these documents will raise concerns over your ability to work as a registered landlord and you're **Fit and Proper** person status.

EPC	You have a valid Energy Performance Certificate for the property. This must be displayed in the property at all times.
Repairing Standard	Your property must meet this standard. More information can be found at the private rented housing panels website www.housingandpropertychamber.scot
Hard Wired Smoke Alarms	Must meet current building standards.
Carbon Monoxide Alarms	Legally into the effect from December 2015.
Electrical Condition Report (EICR)	To be conducted every five years, by a fully registered electrician. More information can be found at http://www.electricalsafetyfirst.org.uk/guides-and-advice/scottish-landlords/
Gas Safety	Must provide gas safety certificate by registered gas engineer.
Portable Appliance Testing (If Required)	Appliances must be electrically checked by qualified electrician.
Risk assessment Legionnaires Disease	See health and safety executive approved code of practice and guidance.
Tenancy Agreement	From 1 December 2017 any new tenancy must be a Private Residential Tenancy. More information can be found at; https://beta.gov.scot/publications/private-residential-tenancies-landlords-guide/#private-residential-tenancies
Deposit	A tenant's deposit (if you take one) must be lodged with a tenancy deposit scheme. An inventory is also advisable.

Questions? For more information please go to West Lothian Council's Private Sector site

www.westlothianhomechoice.co.uk or the Scottish Governments private rent website www.rentingscotland.org.

You can contact the West Lothian Home Choice team on **01506 282754** (Option 2).

The team is able to give advice and assistance on letting to Landlords, Agents and Private Tenants in West Lothian.

E-Newsletter Service

It is essential that you register for our e-newsletter service "**Letting Matters**". West Lothian Council will use the E-Newsletter service to advise you of updates in the law and changes to legislation. You can register online at

www.westlothian.gov.uk.

Landlord Registration

When applying to be a registered landlord, West Lothian Council must decide if the licence holder and any other persons involved in the management of the property or the properties are what are known as a **Fit & Proper** person.

By not meeting the requirements of the test this may result in landlords being refused at the point of application. This can be used during a review process which can result in de-registration.

Please Note: You are required by law to make Landlord Registration aware if anything changes which may affect your registration throughout the period of your registration.

How do we check that you are a fit and proper person?

Landlord registration must take into account by law under the Antisocial Behaviour (Scotland) Act 2004 any evidence that the person has:-

- Committed any offence involving fraud, dishonesty, violence, drugs or firearms.
- Committed a sexual offence.
- Practised unlawful discrimination in connection with any business.
- Contravened any provision of the law relating to housing or landlord.
- Acted, or failed to act, in relation to any antisocial behaviour affecting a house they let or manage.
- We must take account of the fact and nature of any agency arrangement.

PLEASE NOTE: Landlord Registration may request a criminal record certificate when we suspect that information has been withheld or is inaccurate.

A conviction for a criminal offence will not automatically mean an application will be considered for refusal. West Lothian Council treats each candidate's application on a case-by case basis. Considerations will include:-

- The seriousness of and circumstances surrounding the offence.
- The explanation offered by the applicant.
- The relevance of the offence to the proposed role.
- The passage of time since the offence was committed.
- Evidence of the individual's rehabilitation.

Use of other information held by West Lothian Council

West Lothian Council will also take account of any other relevant information they hold about the applicant. We further require landlords to ensure they hold the following documents listed overleaf. These documents illustrates that the proper/properties meets the current legislative standards and further confirms your "**Fit & Proper**" person status.



FREE IMPARTIAL CONFIDENTIAL MONEY AND WELFARE ADVICE

West Lothian council's Corporate Advice Team offers free impartial and confidential advice about all types of debts, benefit entitlement and other income maximisation.

Corporate Advice Team, Revenues Unit, St David House, South Bridge Street, Bathgate, EH48 1TT
Phone: - 01506 282020 option 3
Email: - CAT@westlothian.gov.uk

NEW WEST LOTHIAN COUNCIL TENANTS

To get a Benefit or Financial Health Check contact

Advice Shop, Bathgate Partnership Centre, South Bridge Street, Bathgate, EH48 1TS
Phone: - 01506 283000
Email: - advice@westlothian.gov.uk

DIFFERENT WAYS TO PAY RENT

(PLEASE HAVE YOUR PAYMENT CARD TO HAND)

- Over the telephone using your Debit Card/Credit Card – 01506 280000
- Telephone Touchtone Payments – 01506 282407
- Online:- www.westlothian.gov.uk and click on Pay for it
- By Direct Debit (forms available at your local Area Housing Officer or CIS office)
- Rent payment card at your local CIS officer or at the post office

Private Housing (Tenancies) (Scotland) Act 2016

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

The new legislation will come into force **1 December 2017**, from that date landlords will no longer be able to issue Assured or Short Assured Tenancies. There will be replaced with a new tenancy regime which will be known as a Private Residential Tenancy (PRT).

What this means is that for any new tenancy you create from December 2017 you will be required to issue a new Private Residential Tenancy. The new regime WILL NOT supersede any Short Assured or Assured lease your current tenant has, however, when it is renewed, you will then be required to issue the new Private Residential Tenancy.

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/>