

Consultation on a New Tenancy for the Private Rented Sector

Response from Rural Housing Scotland - December 2014

Introduction

The private rented sector is a significant tenure within rural Scotland, overall 11% of households live in privately rented properties, but in some communities private rented housing can be most if not all the housing that is available. The rural private rented sector also has different characteristics from the sector in towns and cities:

- private tenancies in rural Scotland tend to be longer
- more older people use this tenure
- more families use this tenure
- properties are typically unfurnished
- properties may be linked to employment
- reduced level of social housing increases use in rural Scotland

Surveys undertaken across the country on rural housing needs by Rural Housing Scotland invariably highlight significant housing needs amongst tenants in the private rented sector. Those most often raised are insecurity of tenure, poor conditions, expense of heating due to poor energy efficiency and overcrowding.

The lack of social housing from local councils and housing associations in rural Scotland means that the private rented sector is relied on by those who cannot afford to buy, and is a housing destination rather than a transitory tenure.

Removal of the no fault ground for possession

We agree that tenants security of tenure is undermined by the ability of landlords to ask tenants to leave without having to give a reason after the initial let period. The removal of the no fault ground for possession will give rural tenants greater confidence in their housing enabling them to put down roots in their community and greater confidence in being able to ask the landlord for repairs and improvements to their let. In rural areas where landlord and tenant are much more likely to know each other the removal of this ground will give tenants greater confidence that factors outside of the tenancy will not influence the continuation of the let. (Some private tenants highlight potential impact on their tenancy of community/ political activity)

The proposed mandatory grounds for repossession provide sufficient mechanisms to enable the landlord to recover the property without the need for a catch all ground.

Tenancy roll over arrangements

We agree with the proposal for tenancies to continue on a tacit relocation basis, and agree that one month's notice is insufficient warning of a tenancy's end, particularly in the case of the longer term lets which are more common in rural Scotland.

Length of tenancy

While we agree with the proposal for a minimum lease length of six months, we would like to see longer term leases used more to give great security of tenure to tenants.

Notice to quit & notice of proceedings periods

We are pleased that longer periods of notice will be necessary where a tenant has been living in a property for a long time. We are happy with the the sliding scale proposed.

Grounds for repossession

We would like to see further detail given for the grounds for repossession suggested. Refurbishment, "displayed antisocial behaviour" are vague. We would also like further detail regarding the use of "landlord want to sell", "wants to live in property" and "change of use" grounds as these would be open to abuse whereby repossession is granted but sale falls through, landlord changes mind regarding living in property or changing use.

Shorter Notice to Quit

Agree but need more detail on how "displayed anti social behaviour" is measured and proven.

Pre Tenancy Notices

Agree

Notice to Quit

Agree

Model Tenancy Agreement

Agree

Rent Levels

Private sector rent levels in parts of rural Scotland can represent a significant proportion of often low wages; and in many cases do not offer great value for money but represent all that is available. Notwithstanding these points we do not favour the introduction of rent controls at this point. In some areas permanent lets can be difficult to find as housing is used for holiday lets - rent control may accelerate moves from permanent to holiday letting. Second homes, holiday homes and holiday lets already account for some 8% of rural housing stock, just 3% lower than the proportion of private rented stock.