

Ready to Rent: Tenancy Troubleshooting Scotland



Tenancy Troubleshooting (Scotland)

This is a general guide to your rights and obligations if you have a short assured tenancy. Your landlord has to comply with certain legal obligations, whether these are written in your contract or not. For other obligations, it will depend on what is written in your tenancy agreement. The examples below are a guide to terms normally included.

During your tenancy

What you should do:

- Pay the rent on time until the end of the tenancy.
- Pay the bills (if not included in rent).
- Report repairs and other issues/damage to your landlord in writing.
- Stick to the terms of your tenancy agreement e.g. don't do things that are forbidden, ask permission when needed and keep records if it's given.
- Take care of the property e.g. keep it clean, put rubbish out, heat and ventilate to avoid condensation/mould or burst pipes, unblock sinks, change light bulbs.
- Don't cause nuisance to your neighbours.
- Remember that you are responsible for damage or nuisance caused by visitors to the property too.
- Give the landlord access when notice has been given or without notice in emergencies.
- Give the required notice when you intend to leave.
- Keep copies of any letter/emails with your landlord.



What your landlord should do

- Register with the council (in most cases) and give you a Tenant Information Pack.
- Let you live in the property without unreasonable interruptions/harassment.
- Give you reasonable notice if they need access (except in emergencies).
- Make sure your property is fit to live in and meets the Tolerable Standard.
- Make sure your property meets the Repairing Standard, which means they must:
 - keep the structure of the property, its installations, fixtures, fittings and appliances in a reasonable state of repair and proper working order:
 - Make sure any furniture provided is safe and usable.
 - Provide a satisfactory fire detection and alarm system.
 - Carry out repairs within a reasonable time once you have reported them.
 - Provide an up to date gas safety certificate.
- Follow correct legal procedures for increasing rent or ending your tenancy. Short assured tenants cannot be evicted without a court order. Illegal eviction is a criminal offence and landlord can be prosecuted.
- Get an HMO Licence if they need one. HMOs must also meet stricter safety and management standards.
- Protect your deposit and give you info about this within 30 working days.
- Take action if their tenants are causing a nuisance to neighbours.

What to do if your landlord isn't meeting their obligations

- As a general rule, always put issues in writing and give your landlord reasonable time to respond.
- If this doesn't work, get advice.
- Make sure you understand your tenancy rights. Some tenants can be evicted relatively easily and some landlords may try to end the tenancy instead of dealing with repairs/complaints.
- Keep copies of correspondence and photos or other evidence of the problem as you may need it in future.



Where to get advice

- Housing advice services run by your SU or University.
- Your local authority: Environmental Health department for issues such as pest control, noise nuisance, HMO licensing and registration, missing Tenant Information Packs, or failure to meet the Repairing/Tolerable Standards. Tenancy Relations team (if there is one) for issues like harassment or illegal eviction.
- Private Rented Housing Panel: can take enforcement action if your landlord is failing to meet the Repairing Standard.
- Local accreditation schemes: make a complaint if your accredited landlord fails to meet the scheme's standards.
- Other local advice services e.g. Citizens Advice Bureaux
- Shelter's website: scotland.shelter.org.uk

Troubleshooting:

I've just got the keys. Can I walk away if the property isn't up to standard?

- In most circumstances, problems with the condition of the property will not stop the contract being binding.
- Seek advice before walking away from a contract as you may remain liable for rent.

My landlord won't do repairs

- Check your tenancy agreement to make sure your landlord is responsible.
- Make sure you have reported the repairs in writing and given your landlord reasonable time to respond:
- Emergency repairs i.e. serious risk to health and safety e.g. gas leak – 24 hrs
- Urgent repairs i.e. something that's having a significant impact on your use/enjoyment of the property e.g. no heating/hot water, no cooking facilities – 5 to 7 days
- Non-urgent repairs i.e. needs doing but not causing major impact – 28 days
- Get advice about your rights and options if repairs are not done.



- Don't stop paying rent or move out without seeking advice first. You could end up owing a lot of money. If you are incurring extra costs as a result of disrepair, keep receipts and records. Take photos of problems.
- If it is a serious issue, you can report the issues to your local authority if your landlord continues not to address the problems.

How to avoid in future: Look for signs of disrepair when viewing, speak to current tenants if possible.

My home has damp/mould

- Make sure you take reasonable steps to prevent condensation mould e.g. heat and ventilate the property; use any extractor fans provided and report if these are broken; avoid drying clothes on radiators; close bathroom/kitchen doors when showering or cooking.
- Follow the repair advice above. If the problem is severe or your health is being affected, contact Environmental Health.

How to avoid in future: Look/smell carefully for signs of damp/mould when viewing properties.

My housemate hasn't paid the rent

- Check if you have a joint or individual contract.
- Speak to your landlord and housemate(s).
- Get advice if you are being asked to pay extra money you can't afford.

How to avoid in future: Make sure you know and trust potential housemates before signing a joint contract.

I want to leave my contract early

- Check the terms of your tenancy agreement. If you are in a fixed term agreement, is there a break clause?
- Speak to your landlord – will they agree to release you?
- If they say you need to find a replacement first, can they help you re-advertise your property/room?
- If you want to leave because of problems in the property, get advice.



My landlord has threatened to evict me

- Get advice straight away.
- Remember that short assured tenants cannot be evicted without a court order.

I can't afford my rent

- Speak to your landlord. They may be able to work with you to find a solution.
- Get advice on budgeting and funding options from your SU or university.

How to avoid in future: Work out a budget before agreeing to rent.

My deposit isn't protected

- Check online to see if one of the government-approved protection schemes has a record of your deposit.
- If they don't, write to your landlord asking them to protect your deposit.
- If this doesn't work, get advice. You may be able to claim a penalty payment.

I have been charged illegal letting fees

- Visit the Shelter Scotland website www.reclaimyourfees.com to find out the practical steps you can take to get your fees refunded.
- You can also report letting agents who are still charging via this website.

See our Moving Out guide for information on how to prepare for the end of your tenancy and give yourself the best possible chance of getting your deposit back.

