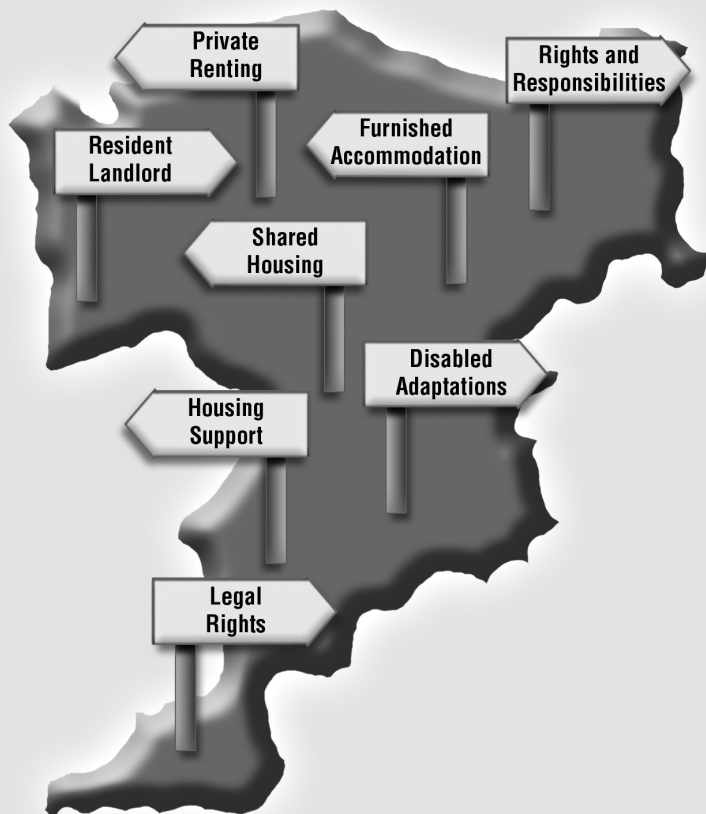


A Guide for Private Tenants



the **moray** council

Updated January 2012 (2)

We try to review our leaflets regularly to make sure you have the most up-to-date information, however the contents of this leaflet is only correct at the time the leaflet is published.

For more information or advice contact us on 0300 1234566 or visit our website at www.moray.gov.uk.

A Guide for Private Tenants

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If you rent your home from a private landlord (or someone acting on behalf of a landlord), or are considering private renting, it is important to know what your rights and responsibilities are in relation to your accommodation and where to go for advice.

Renting a property creates a legal relationship between you and the landlord. This means that you both have a number of rights and certain responsibilities or duties. This leaflet is a general guide to assured tenancies. If you are not sure about your position or have a dispute with your landlord, you should get advice from Citizens Advice, Shelter, our Housing Options Team or find a solicitor (see page 12 for contact details).

Finding private rented accommodation

There are a number of private rented properties, including furnished and unfurnished bedsits, flats and family-sized houses, available to rent in Moray.

To find accommodation you should:

- Read the adverts in the following newspapers.

Banffshire Advertiser	Out every Tuesday
Forres Gazette	Out every Wednesday
Midweek Extra	Out every Wednesday
Northern Scot	Out every Friday
Press and Journal	Out every weekday, including Saturday
Scot-Ads	Out every Wednesday and Saturday

- Check local shop windows and libraries for notices.
- Contact a solicitor or other estate agent in Moray.
- Search the internet to find rooms or properties that you could rent or share. Some examples include www.flatmaterooms.co.uk, www.spareroom.co.uk and www.gumtree.com/moray.
- Contact the local tourism office, which may have details of holiday accommodation in the area.

Rented properties are not always advertised, so you should ask around and make it known that you are looking for accommodation. Remember that any reference you can supply to a potential landlord may help (for example, a letter from your employer or a previous landlord stating that you were a good tenant).

Landlord Registration

By law, private landlords must register with the local authority where the rental property is located. This is a public register, which you can check online at www.landlordregistrationscotland.gov.uk.

We only register landlords who we think are ‘fit and proper’ to let residential property. For tenants, registration provides an assurance that your home will be properly managed.

Before you enter into a lease agreement with a landlord, you should be satisfied that the property has been registered. To report an unregistered landlord, contact us on 0300 1234566.

Renting from a resident landlord

If your landlord lives with you in the property and this is their only or main home then it is likely that they are a resident landlord. There must also be direct access (such as a doorway) between your part of the house and the landlords.

If you have a resident landlord, you do not have the same rights as a tenant whose landlord does not stay in the same property however you will have some rights. For example, your landlord will usually have to give you a written Notice to Quit when they want you to leave and you will be protected against harassment and being evicted illegally.

In most cases, your landlord would need a court order to remove you from the property. However if you share living accommodation with your landlord, they may not need a court order.

In most resident landlord tenancies, your landlord can only change your rent if you and your landlord agree to the new amount. If your tenancy began before 2 January 1989, you and your landlord have the right to an independent rent assessment to decide on the level of rent you should pay.

The law relating to renting from a resident landlord is very complicated and will depend on the circumstances of each case. You should contact Citizens Advice, Shelter,

our Housing Options Team or find a solicitor if you have any disputes with your resident landlord (see page 12 for contact details).

Your rights and responsibilities

Your landlord must give you a written tenancy agreement. However, this will be different if you have a resident landlord.

A tenancy agreement should contain:

- the names of the landlord and the tenant;
- the address of the rental property;
- how long the tenancy is for;
- the amount of rent, when and how it is to be paid and how any rent increases will be worked out; and
- who is responsible for decorating the inside of your property and who is responsible for any maintenance and repairs inside and outside.

Your landlord cannot legally put any clauses in your tenancy agreement that limit or exclude rights given to you by law.

If you do not have a tenancy agreement, or the one you have does not fairly reflect the terms of the tenancy, you can apply to the Sheriff Court to have one drawn up or to have the existing one adjusted.

As the tenant you have a right to:

- know the terms of the tenancy;
- know the name and address of your landlord;

- a decent standard of repair;
- proper legal notice if your landlord wants you to move out; and
- ‘quiet enjoyment’ while staying in the property. (This means you have the right to live in your home without interference from your landlord).

You are responsible for making sure the fixtures, fittings, furniture and contents are not damaged as a result of you or anyone living with or visiting you acting carelessly. You also should allow access to the property for repairs.

Repairs and the Repairing Standard

Under the Repairing Standard, your landlord must make sure that:

- The property is water tight and protected from the wind, and reasonably fit for people to live in;
- The structure and outside of the property (including drains, gutters and outside pipes) are in reasonable repair and proper working order.
- The systems in the property for supplying water, gas and electricity, for heating and for getting rid of waste water are in reasonable repair and proper working order (including systems outside the house but serving it, and which the owner is responsible for maintaining, either individually or jointly);
- Any fixtures, fittings and appliances provided under the tenancy are in reasonable repair and proper working order;

- Any furnishings provided under the tenancy are capable of being used safely for the purpose they were designed for; and
- There are enough smoke alarms inside the property.

Private Rented Housing Panel (PRHP)

The Private Rented Housing Panel can help if your landlord has not met their responsibilities under the Repairing Standard. You can apply to the panel if you have tried to settle the matter with your landlord and feel that they have failed to meet their duties. You can find out more online at www.prhpscotland.gov.uk or see page 12 for contact details.

Gas and electrical safety

Landlords must carry out a gas and electrical installation check before a tenant moves into the property and then arrange for checks each year.

Your landlord must give you a copy of the gas safety certificate that has been issued by the Gas-Safe registered engineer.

Energy Performance Certificate (EPC)

By law, your landlord has to display an Energy Performance Certificate (EPC) in the property. This is a document which explains how energy efficient a property is. An EPC will help you to compare properties and work out which will have lower energy bills.

Furnished accommodation

If the property is furnished, your landlord must make sure that any furniture and furnishings supplied are safe. For example your landlord must:

- comply with fire resistance requirements (Fire and Furnishings (Fire Safety) (Amendment) regulations 1988);
- make sure furniture with glass (for example, a mirror or table) meets quality standards; and
- make sure electrical goods meet general safety requirements. (Electrical Equipment (Safety) Regulations 1994).

Deposit

Your landlord may ask you for a deposit as security against things like unpaid utility bills or rent arrears. It could also cover loss or damage to the property and its contents (but not fair wear and tear). A deposit is usually the same as one months rent but it should not exceed two months rent.

To avoid a dispute with your landlord, you should both fill in and sign an inventory. An inventory records the contents and their condition before a tenant moved in.

Under the Tenancy Deposit Schemes (Scotland) Regulations 2011 private landlords will have to pay deposits into a scheme. The scheme will protect you

from landlords who unfairly withhold deposits and make sure that disputes are handled fairly. Details of the approved schemes are not yet available.

Rent Allowance and Local Housing Allowance (LHA)

If you are on a low income or benefits, you may be entitled to help with paying your rent.

Before you sign your tenancy agreement, you should contact the Revenues Office (see page 12) to find out how much LHA you may be entitled to.

Council Tax

Unless you are going to be living in a 'house of multiple occupation' (see next section) then you will usually be responsible for paying Council Tax, however sometimes this cost may be included in your rent. If you need more information on Council Tax contact our Revenues Section (see page 12).

Renting shared housing

If you are considering renting a property which you will be sharing with more than one other household, you must ask the landlord whether they are licensed as having a 'house of multiple occupation' (HMO). Ask to see the licence certificate and make sure it is up to date. It is in your interest not to accept shared accommodation from an owner who is not licensed. Check with Citizens Advice or our Environmental Health Service if you need more information (see page 12).

Disabled adaptations

If you, or a member of your household, are disabled and on low income then you may be eligible for a Community Care Grant. This can be used if you need extra support in your property such as bathroom adaptations, extra heating, handrails and alterations to access. You should get your landlord's permission before adapting your home, however your landlord cannot unreasonably withhold permission. For more information on the Community Care Grant contact your local Jobcentre Plus (see page 12).

You may also find the information in our leaflet 'Housing Options for People with Disabilities' helpful.

Housing support

If you need extra support (such as home care) so you can live independently for as long as possible in your own home, you should contact your local community care team for more information (see page 12 for contact details).

Notice to end a tenancy and take possession of the property

If you are asked to leave your accommodation, you have received a Notice to Quit from your landlord, or your landlord tells you that they have begun court proceedings for possession of the property, you should not move without speaking to Citizens Advice, Shelter,

our Housing Options Team or a solicitor (see page 12 for contact details).

Protection against harassment and unlawful eviction

A landlord must do the following before they take possession of the property:

- serve you with a valid Notice to Quit;
- serve you with a Notice of Proceedings, which says that they have begun proceedings to take possession of the property; and
- get an order for possession from the Sheriff Court.

If your landlord fails to get a court order and tries to evict you from your home, he or she may be committing a criminal offence. Similarly, if they try to make you leave by intimidation, violence, withholding services such as gas or electricity or any other sort of interference, this is also illegal and you should contact the Police.

You should contact Citizens Advice, Shelter, our Housing Options Team or a solicitor for more details on your rights and responsibilities if you are at risk of losing your home (see page 12 for contact details).

Moray Keyfund Rent Deposit Guarantee Scheme

We run a rent deposit guarantee scheme to help people on low incomes access private rented housing. To find out more about the scheme, see our leaflet 'Moray Keyfund Rent Deposit Guarantee Scheme' or contact our Housing Options Team to find out if you are eligible (see page 12 for contact details).

Contacts

Housing and Property
The Moray Council
PO Box 6760
Elgin
IV30 9BX

Phone: 0300 1234566
Email: housing@moray.gov.uk

Community Care

Buckie and Fochabers	01542 837200
Elgin	01343 553024
Forres	01309 694000
Keith and Speyside	01542 886174

Citizens Advice Bureau 01343 550088

Environmental Health 01343 563345/563347

Housing Options Team 0300 1234566

Jobcentre Plus 0845 604 3719

Housing and Social Work 08457 565656

Emergency Out of Hours Service
(Monday to Friday 5pm-8.45am,
and 24 hours on Saturdays and Sundays)

Police (non-emergency) 0845 600 5700

Private Rented Housing Panel (PRHP) 0141 572 1170

Revenues Section 0300 1234561

Shelter 0808 800 4444

Tourist Information Centre 01343 542666

We are continually trying to improve the services that we offer and welcome any comments or suggestions. Send them to:

Homeless Strategy Team (Feedback)

The Moray Council

PO Box 6760

Elgin

IV30 9BX

Or email: housing@moray.gov.uk

**To order more copies of any of our leaflets
please contact us on 0300 1234566**

If you need information from the Moray Council in a different format, such as Braille, audio tape or large print, please contact:

如果閣下需要摩里議會用你認識的語言向你提供議會資訊的話，請要求一位會說英語的朋友或親人與議會聯繫

Jeżeli chcieliby Państwo otrzymać informacje od samorządu rejonu Moray w swoim języku ojczystym, Państwa przyjaciel lub znajomy, który mówi dobrze po angielsku, może do nas

Se necessita de informação, do Concelho de Moray, traduzida para a sua língua, peça o favor a um amigo ou parente que fale Inglês para contactar através do:

Jeigu Jums reikalinga informacija iš Moray regiono Savivaldybės [*Moray Council*], kurią norėtumėte gauti savo gimtąja kalba, paprašykite angliškai kalbančių draugų arba giminaičių susisiekti su mumis

Чтобы получить информацию из Совета Морэй на Вашем языке, попросите, пожалуйста, Вашего друга или родственника, говорящих по английски, запросить ее

Si necesitas recibir información del Ayuntamiento de Moray en tu idioma. Por favor pide a un amigo o familiar que hable inglés que:



Project Officer
Chief Executive's Office
High Street
Elgin, IV30 1BX



Phone: 01343 563319



Email: equalopportunities@moray.gov.uk



Textphone (Wednesday or Thursday only):
18002 01343 563319