

## Annex 1: Summary of Legal Obligations on Landlords

The material to which a local authority must have regard, under section 85, in deciding whether an applicant is a fit and proper person to act as a landlord, includes material which shows that the applicant has “contravened any provision of the law relating to housing, or landlord and tenant law.”

This Annex provides a brief guide to the range of issues which are covered by those legal requirements. This list is not exhaustive however it does cover the main areas of legal responsibility in respect of property letting.

The exact obligations on landlords depend on the type of tenancy or occupancy arrangement in place.

- The tenant must be given details of the landlord's name and address. Where an assured or short assured tenancy exists, a written agreement must be provided.
- Correct legal procedures for seeking possession of the accommodation (if the tenant does not leave when they are asked to). In most cases this means giving proper notice, and ultimately getting a Court Order. Under the Rent (Scotland) Act 1984, it is a criminal offence to evict a tenant unlawfully, or to use harassment to try to make them leave.
- Various rules apply to the charging and handling of rents and deposits:
  - No charge must be made for a person to have their name put on a list for accommodation.
  - No charge must be made for drawing up or copying the tenancy agreement.
  - If a deposit is required, it must be no more than the equivalent of two months' rent.
  - If rent is paid weekly, the landlord must issue a rent book and enter a receipt for each weekly payment.
  - The tenant cannot be required to pay rent before the start of a rental period to which it relates.
  - Proper procedures must be followed before changing the amount of rent to be charged.
- From 02 July 2012 landlords have a legal responsibility to place tenant's deposits into an approved tenancy deposit scheme. Details of the approved tenancy deposit schemes, and the timescales for paying in deposits is available [here](#)
- It is now a legal requirement that the landlord registration number must be displayed within the advertisement for rental property along with the EPC rating of the property.
- From 1 May 2013, any tenancies created before 1 December 2017, the landlord must provide tenants with a tenant information pack. Please click the following link for further information and to download the [pack](#).
- The Landlord has a duty to ensure the property meets the repairing standard at the start of the tenancy or earlier and throughout the duration of tenancy. In addition, the Landlord must tell the tenant about the effect of the Repairing Standard and the Housing and Property Chamber, First Tier Tribunal for Scotland arrangements on the tenancy.

Comprehensive information on the Repairing Standard is published on the website of the Private Rented Housing Panel (PRHP) get more information [here](#)

- The landlord must have any gas appliances checked annually by a Gas Safe registered engineer. The Landlord must provide tenants with a record of the check within 28 days or to a new tenant before they move in and keep the records of each safety check for at least 2 years. Repair and maintenance work must be carried out by a Gas Safe registered engineer. More information can be found at [here](#)
- The repairing standard includes a duty to ensure that homes have smoke and fire detectors. The Landlord must ensure the property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. New guidance was published in October 2013.

The revised Domestic Technical Handbook guidance states there should be at least:

- One functioning smoke alarm in every room which is frequently used by the occupants for general daytime living purposes
- One functioning smoke alarm in every circulation space, such as hallways and landings.
- One heat alarm in every kitchen.
- All alarms should be interlinked

More information can be found [here](#)

- All furniture and furnishings provided by the landlord must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.
- From 1 December 2015 the repairing standard will include a duty to ensure that homes have carbon monoxide (CO) detectors. CO alarms must have a battery that lasts the life of the alarm in each room housing a gas appliance (other than those used solely for cooking) and in any living room or bedroom if a flue from these appliances runs through it. Scottish Government guidance on the number, type and location of detectors can be found [here](#)
- From 1 December 2015 the repairing standard will also require landlords to carry out an electrical safety inspection at least every 5 years. The electrical safety inspection has two parts, an Electrical Installation Condition Report (EICR) completed by an approved electrician and a Portable Appliance Test (PAT) which can be carried out by an approved electrician or a landlord who has completed a relevant training course. The PAT sets a retest date for each appliance and this will usually be more frequent than 5 years. Scottish Government guidance on the format of electrical safety inspections is published on the website of the Housing and Property Chamber, First Tier Tribunal for Scotland at [here](#) or seek advice from an approved electrician.
- The Landlord must ensure that the property has a valid Energy Performance Certificate (EPC). An EPC lasts for 10 years and from 9<sup>th</sup> January 2013 must be included with all advertising of rental property. Further details can be obtained on the [Scottish Building Standards Agency](#) website
- Landlords have a duty to carry out a risk assessment of hot and cold water systems for Legionnaire's disease. Under the Control of Substances Hazardous to Health Regulations 2002, landlords are responsible for ensuring that the risk of exposure to legionella in rented property is properly assessed and controlled. Part 2 of the HSE guidance published at <http://www.hse.gov.uk/pubns/books/hsg274.htm> gives information on landlord's duties. You can also get information on legionella from the [Health and Safety Executive website](#)
- In flats and tenements, landlords share the responsibility with all owners within the building to maintain any part of the building that provides, or is intended to provide, support or shelter to any other part. The repairing standard includes work to common parts of a building, which the tenant is entitled to use. For more information about rights and responsibilities in relation to common parts [click here](#)
- The landlord must comply with any statutory notices requiring property he or she owns to be repaired, brought up to a higher standard or closed.
- The owner of an HMO must hold a licence from the local authority and must comply with the conditions of that license.
- It is a legal requirement of a landlord to take lawful action to address any antisocial behaviour by their tenants in and around the property. This means that if tenants are acting in a way that causes or is likely to cause alarm, distress, nuisance or annoyance to anyone living near their home, the landlord must take action.
- A landlord must ensure that no person or group of persons is treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin, sex, disability or sexual orientation.
- You can get further information on the Glasgow City Council Website [Private Landlord Support](#)