

LANDLORD'S NOTIFICATION TO A TENANT OF A RENT INCREASE UNDER SECTION 22 OF THE PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016

IMPORTANT: INFORMATION FOR TENANT(S)

This notice informs you as a tenant that your landlord wishes to increase the rent for your private residential tenancy. The new rent will take effect from the day specified in this notice unless you:

1. reach an agreement with your landlord to further delay the rent increase, or
2. refer this notice to Rent Service Scotland for a rent determination using the specific rent adjudication form within 21 days of receiving this notice, or
3. can prove that your landlord did not provide you with the adequate notice of the increase (see note 1 below).

PLEASE READ THIS INFORMATION BEFORE RESPONDING TO YOUR LANDLORD

Part 1

To: _____
(name of the tenant(s))

of: _____
(address of the let property)

NOTE 1 TO TENANT:

Your landlord must give you at least 3 months' notice of any rent increase. When calculating the three month period, it starts on the day you received the notice and ends on the same day three months after you received it, or if the month in which it ends has no such day, the final day of that month. For example, if you received a rent increase notice on 4 March, the three months' notice period would end on 4 June, so the earliest the increased rent must be paid is 5 June. If you received the notice on 30 November, the notice period would end on 28 or 29 February (depending on whether it was a leap year), and the earliest the increased rent must be paid is 1 March.

If you think that your landlord has not provided you with sufficient notice, you must be able to provide evidence to support your claim. You should send a copy of the evidence to your landlord along with the completed Part 3 of this form.

Part 2

This gives you notice that: _____
(name of landlord)

of: _____
(address of landlord)

proposes to charge a new rent of £_____ per *month/week/year
for your tenancy at the address in Part 1.

The new rent is to take effect from _____ (insert date).

Signed: _____ (landlord/landlord's agent)

Date: _____

Address of landlord's agent (if appropriate):

NOTE 2 AND 3 TO TENANT:

A landlord can only increase your rent using this notice only if you have a private residential tenancy and your rent has not increased within the last twelve months. If you are in doubt about the date your last rent increase took effect or what kind of tenancy you have you should contact a solicitor or an organisation which gives advice on housing matters (such as Shelter Scotland or Citizens Advice Bureau).

If you think that the rent increase proposed by your landlord is unreasonable you can refer this notice to a Rent Officer for rent adjudication. You must do so using the specific rent adjudication form (obtainable from Rent Service Scotland, the Scottish Government's website or a housing advice service). Please note that when determining the amount of rent that should be paid for the let property, a Rent Officer can vary your rent amount upwards or downwards.

Part 2(RPZ)

This section must be completed if the address in Part 1 is located in an area which has been designated by Scottish Ministers as a Rent Pressure Zone

Scottish Ministers have set a cap on the maximum amount that your rent can be increased. The new proposed rent amount outlined above in Part 2 must not exceed this cap. The following equation has been used by Ministers to set the cap for the area that you live in:

$$R \times \left(1 + \frac{CPI + 1 + X}{100}\right) + Y.$$

In the above equation:

- *R* is the amount of rent payable before the rent increase.
- *CPI* is the percentage increase in the consumer prices index over the period from the day of your last rent increase or, if your rent has not been increased before, from the day your tenancy began.
- *X* is the number of percentage points set out in the order by Scottish Ministers
- *Y* is the amount (if any) that your landlord can charge you for property improvements.

For example, if:

- *R* = £800 (rent amount payable before the rent increase)
- *CPI* over the period is 0.6%
- *X* is set by Ministers at 2%
- *Y* is £30

The calculation would look like this:

$$£800 \times \left(1 + \frac{0.6 + 1 + 2}{100}\right) + £30 = \text{new rent of } \mathbf{£858.80} \text{ per year}$$

When you add-in the actual amounts for each of the letters above, the equation looks like this:

$$R \times \left(1 + \frac{CPI + 1 + X}{100}\right) + Y = ?$$

(insert the appropriate figures)

The above cap is in force from _____ to _____
(insert the period of the designation)

Only a Rent Officer can decide how much can be inserted above for 'Y'. If a figure greater than zero has been added for 'Y', a copy of the Rent Officer's decision must accompany this notice which confirm that amount.

NOTE 4 TO 7 TO TENANT

Your local authority has applied to the Scottish Ministers to have the area you live in designated as a Rent Pressure Zone because rents in your area are rising too much, causing hardship to sitting tenants in that area and having a detrimental effect on the authority's broader housing system.

Scottish Ministers have accepted the authority's application and designated the area as a rent pressure zone. This means that there is a cap on the amount that your rent can increase by, which is set out in an order from Scottish Ministers. Any cap set by Ministers is at least the Consumer Prices Index (CPI)¹ plus one percent.

Ministers have the power to include an additional percentage to CPI + 1% (this is X in the above equation), if they consider this appropriate. In addition, landlords can apply to a rent officer for a determination of an additional amount where this has been incurred due to costs for improving the property (this is Y in the equation). If your landlord has included a figure above for Y, he or she must also give you a copy of the letter from the rent officer which shows how much he or she is allowed to increase your rent for improvements.

It is against the law for your landlord to increase your rent by more than the cap set by Ministers. If you think your rent increase is more than the cap, you should speak to your landlord or contact a solicitor or an organisation which gives advice on housing matters (such as Shelter Scotland or Citizens Advice Bureau).

IMPORTANT: NOTE 8 TO 10 TO TENANT

You must detach Part 3 below and return it to your landlord as soon as possible – please retain a copy for your records.

You may wish to discuss the proposed new rent with your landlord before you complete and return Part 3.

PLEASE NOTE that you cannot refer a case to a rent officer for a rent determination if the let property is located in a rent pressure zone.

BUT REMEMBER, if the property is not in a rent pressure zone, you only have 21 days from the date you received this notice to refer a case to a Rent Officer for a rent determination. Before sending your case to a Rent Officer (using the specific rent adjudication form), you must use Part 3 below to tell your landlord that you intend to make a referral to a Rent Officer.

¹ **Consumer Prices Index** is a measure of Consumer price inflation and is the speed at which the prices of the goods and services bought by households rise or fall. Consumer price inflation is estimated by using price indices. One way to understand a prices index is to think of a very large shopping basket containing all the goods and services bought by households. The prices index estimates changes to the total cost of this basket.

Part 3

(This part should be completed by the tenant and returned to the landlord – failure to do this will mean that the rent increase will take effect from the date proposed in Part 2 of this notice)

To: _____
(landlord/landlord's letting agent)

From: _____
(name of the tenant(s))

of: _____
(address of let property)

*I/We acknowledge receipt of the rent increase notice dated _____ and give you notice that

☐ *I/We accept the new rent to apply from _____

☐ *I/We accept the new rent, but have not been given sufficient notice. I/we can provide evidence that I/we did not receive the rent increase notice until _____.

Therefore, the rent increase cannot take effect until _____.

☐ *I/We do not accept the new rent to apply from _____ and propose to send a case to a Rent Officer for a determination of the open market rent. **YOU CANNOT CHOOSE THIS OPTION IF THE LET PROPERTY IS LOCATED IN A RENT PRESSURE ZONE.**

Signed: _____
(tenant/tenant's agent)

If the tenancy is a joint tenancy all tenants or their agents must sign.

Date: _____

Address of tenant's agents(s) (if appropriate):

[* delete as appropriate]

This is an important document and it should be kept in a safe place.

PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016

PRIVATE RESIDENTIAL TENANCY

NOTES FOR LANDLORDS - THESE NOTES ARE FOR GUIDANCE ONLY AND ARE NOT A DEFINITIVE INTERPRETATION OF THE LAW.

WHEN TO USE THIS NOTICE

1. You may serve this notice on your tenant only in the following circumstances:-

- a) Your tenant has a private residential tenancy; and
 - b) The proposed rent increase is not taking effect earlier than 12 months after the rent was last increased.
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GIVING THE RIGHT AMOUNT OF NOTICE

2. You should note that you must give your tenant at least three months' notice of the proposed increase. The three month notice period starts on the day the tenant receives the rent increase notice and ends the same date three months after the tenant received it, or if the month in which it ends has no such day, the final day of that month. For example, if the tenant received the rent increase notice on 4 March, the three months' notice period would end on 4 June, so the earliest the increased rent could be paid is 5 June. If the tenant received the notice on 30 November, the notice period would end on 28 or 29 February (depending on whether it was a leap year), and the earliest the increased rent could be paid is 1 March. If you do not provide your tenant with the necessary three months' notice of an increase, your tenant will not be required to pay the increased amount until three months has elapsed since the day he or she received your rent increase notice.

HOW TO COMPLETE THIS NOTICE

3. As landlord you should complete Parts 1 and 2 of this notice.

You should also complete Part 2(RPZ) if the let property is located in an area which has been designated by Scottish Ministers as a rent pressure zone. If you include an amount for improvement costs, you **must** also provide your tenant with a copy of the rent officer's decision which shows the amount you are entitled to increase the rent by to cover these costs (this will be the figure inserted for Y in the rent increase equation in Part 2(RPZ)).

You should leave Part 3 blank. This is for your tenant to use when giving you a response to the proposed new rent.

HOW TO SERVE THE NOTICE

4. After you sign and date the rent increase notice you must take steps to ensure your tenant receives it as soon as possible. A notice can be served validly on a tenant only in the following ways:-

- a. by hand delivering it to him or her; or
- b. by sending it by recorded delivery letter to him or her at the address of the let property; or
- c. if electronic means has previously been agreed as the preferred correspondence method, by emailing the notice to the tenant's current email address.

As set out in section 26 of the Interpretation and Legislative Reform (Scotland) Act 2010, unless delivered personally, you must allow the tenant 48 hours to receive the notice. This delivery time

should be factored into the amount of notice you give the tenant. The tenant must have at least three months' notice of the proposed increase from the day he or she receives the rent-increase notice.

YOUR TENANT'S RESPONSE

5. Your tenant should respond to this rent increase notice by returning Part 3 to you. Please ensure your tenant knows whether this should be sent to you or to an agent who deals with your affairs.

6. Using Part 3 of the Notice the tenant will respond in one of three ways or may ask to discuss your proposed new rent with you (see paragraph 8).

The three ways are: -

a. by accepting your proposed new rent

if your tenant accepts the new rent it will take effect from the date you proposed in this Notice;

b. by accepting your proposed new rent, but challenging the date on which it can take effect.

your tenant must be able to prove that he or she has not been given sufficient notice of the rent increase;

c. by indicating that the proposed rent is not acceptable and the rent increase notice is being referred to a Rent Officer for determination of the open market rent.

if your tenant indicates that he or she wishes to refer your rent increase notice to a Rent Officer, this must be done within 21 days of the tenant receiving this rent increase notice.

THIS OPTION IS ONLY AVAILABLE PROVIDED THAT THE LET PROPERTY IS NOT LOCATED IN A RENT PRESSURE ZONE.

7. If the tenant does not complete and return Part 3 to you, the rent increase will take effect from the date proposed in this notice.

NEGOTIATING WITH YOUR TENANT

8. If your tenant contacts you to ask for an opportunity to discuss your proposals with you, both you and the tenant must bear in mind the need to hold the discussion in good time to allow the tenant the option of referring the rent increase notice to a Rent Officer for determination of the open market rent, should the tenant still wish to exercise this option.

FURTHER GUIDANCE

9. If you are uncertain about the kind of tenancy your tenant has or uncertain about how to complete this notice, you should consult a solicitor or any organisation which gives advice on housing matters.

**I. TENANT'S RENT INCREASE REFERRAL TO RENT SERVICE SCOTLAND
UNDER SECTION 24(1) OF THE PRIVATE HOUSING (TENANCIES) (SCOTLAND)
ACT 2016**

The form below is to be used by a tenant seeking a determination of rent from a Rent Officer after their landlord has served them with a rent increase notice if they think the increase may be too high.

We are seeking your views on the following questions:

PLEASE RESPOND BY COMPLETING ANNEX A WHICH IS THE RESPONDENT INFORMATION & CONSULTATION QUESTIONS. IT CONTAINS THE FOLLOWING QUESTIONS ON THIS APPLICATION:

Q9. Do you think the proposed 'Tenant's application form to a rent officer for adjudication on a proposed rent increase' is fit for purpose?

- ☐ Yes
- ☐ No - please set out why you think the referral is not fit for purpose
- ☐ Unsure

Q10. Do you think the proposed 'Tenant's application form to a rent officer for adjudication on a proposed rent increase' is easily understood?

- ☐ Yes
- ☐ No – please set out why you think the form is not easy to understand
- ☐ Unsure

Q11. Do you think the 'Tenant's application form to a rent officer for adjudication on a proposed rent increase' should have additional content?

- ☐ Yes – please tell us what that content should be and explain why you think it is required
- ☐ No
- ☐ Unsure

Q12. Do you think anything in the 'Tenant's application form to a rent officer for adjudication on a proposed rent increase' should be removed?

- ☐ Yes – please tell us what that content should be and explain why you think it is unnecessary
- ☐ No
- ☐ Unsure

**TENANT'S RENT INCREASE REFERRAL TO RENT SERVICE SCOTLAND
UNDER SECTION 24(1) OF THE PRIVATE HOUSING (TENANCIES)
(SCOTLAND) ACT 2016**

IMPORTANT: INFORMATION FOR TENANT(S)

This form should be used if you as a tenant are seeking a determination of rent from a Rent Officer after your landlord has served you with a rent increase notice and you think the increase may be too high.

You are advised to read this notification and the accompanying notes carefully. Complete the form as fully as you can (notes to assist you are provided on pages 6 & 7).

In determining the rent, the Rent Officer has the power to vary the rent upwards or downwards

You can complete this form online. If handwriting the application, please use BLOCK CAPITALS. Where boxes are shown please tick only one.

Question 1 – Tenant's Details

- a) Please provide Name, Address, Postcode and contact details (telephone number and email address) of the tenant(s).

.....

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.....

- b) Please provide Name, Address, Postcode and contact details (telephone number and email address) of the tenant's agent (if any).

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Question 2 – Landlord's Details

- a) Please provide the Name, Address, Postcode and contact details (telephone number and email address) of the landlord.

.....

.....

.....

- b) Please provide the Name, Address, Postcode and contact details (telephone number and email address) of the landlord's letting agent (if any).

.....

.....

.....

Question 3 - Details of the Property

- a) Please say what kind of property it is, such as a detached or terraced house or flat or part of a house. (If a flat give location in stair e.g. 1F1)

.....

- b) Please give the number and type of rooms (e.g. bedroom, living room, kitchen etc.)

.....

.....

- c) Is there any accommodation or facilities shared
Yes with another tenant? If yes, please give details

☐ No ☐

.....

- d) Is there any accommodation or facilities shared
between the tenant and landlord? If yes, please
give details

☐ No ☐ Yes

.....

- e) Does the tenancy include a garage, garden, yard or
any other separate building or land? If yes, please
give details

☐ No ☐ Yes

.....

- f) Does the property have Central Heating ?

☐ No ☐ Yes

- g) Does the property have Double Glazing ?

☐ No ☐ Yes

Question 4 – Services

a) Are any services provided under the tenancy (such as cleaning, maintenance of communal parts, repairs)?
If yes, please give details

☐

No

☐

Yes

.....

b) How much rent is charged for these services?

.....

Question 5 – Furniture

Is furniture provided under the tenancy? If yes, please attach a list of the furniture provided. If you do not have a list please prepare one and attach it to this form.

☐

No

☐

Yes

.....

.....

Question 6 – Improvements

a) Have you (or a previous tenant under the same tenancy) carried out any improvements or replaced fixtures, fittings, or furniture for which you were NOT responsible under the terms of the tenancy? If yes, please give details including the costs (actual or estimated) and the approximate date on which the work was carried out.

☐

No

☐

Yes

.....

.....

b) Has the landlord made any improvements to the property since the start of your tenancy?
If yes, please give details

☐

No

☐

Yes

.....

Question 7 – Disrepair

Is there any disrepair or other defects to the house

☐

No

☐

Yes

or to any fixtures, fittings or furniture due to a failure by you or a previous tenant under the same tenancy to comply with the terms of the tenancy? If yes, please give details.

.....

.....

.....

Question 8 – What rent are you paying now

£..... [per week*] [per month*] [per year*]

Please attach a copy of the rent-increase notice which tells you about the proposed new rent.

* delete as appropriate

Question 9 – Documents required to support your application.

In submitting your application you should attach copies of certain documents which will be required by a Rent Officer to help him or her make a determination of the open market rent. You should attach the following:

- | | |
|---|--------------------------|
| c) A copy of your tenancy agreement | <input type="checkbox"/> |
| d) A copy of the rent-increase notice you received from your landlord | <input type="checkbox"/> |
| e) If your landlord provides furniture, a list of the furniture | <input type="checkbox"/> |

Any documents which you send with this application will be returned to you as soon as possible.

Please tick each box to indicate that you attached the relevant information.

Question 10 – Reasons for your appeal

Please advise why you wish to appeal against your landlord's proposed rent amount.

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.....

Question 11 – The inspection of your property

To establish the rent for your property the Rent Officer may decide to inspect your property and this would take place during normal office hours – Monday - Friday between 9.00 am and 3.30 pm. Please advise of the dates over the next month when you are **NOT AVAILABLE** for an inspection.

.....

.....

Please also note that your landlord will be invited to the inspection. An inspection may be re-scheduled only once and if you are unavailable for an initial or re-scheduled inspection an adjudication decision will be made on your rent amount.

Question 12 – Declaration

I apply to a Rent Officer for a determination of the open market rent for the property at the address shown in part 1(a).

I agree to send a copy of this form to my landlord.

Signed.....

.....

(tenant or tenant's agent)

In the case of joint tenants all tenants should sign this form.

Date.....

Notes to assist you completing the questions on this application form

Question 1(a) This is the address of the property where you currently live. We may decide to telephone you or send an email so please provide your current telephone number and email address.	Question 4(a) This information will only be relevant if services are included in the amount of rent you pay for the property where you currently live. If this is the case please provide details of the services you receive e.g. stair cleaning, garden maintenance, door entry maintenance, communal area maintenance etc.
Question 1(b) If an agent (or another person) acts on your behalf please provide all the necessary contact details, including the address, of that person.	Question 4(b) Please provide details of how much of your rent is for any services that you receive.
Question 2(a) We need to write to your landlord so please provide all the necessary contact details, including the address, of your landlord.	Question 5 This information will only be relevant if furniture is included in the amount of rent you pay for the property where you currently live.
Question 2(b) If an agent (or another person) acts on your landlord's behalf please provide all the necessary contact details, including the address, of that person.	Question 6(a) We need to know about any improvements that you have made to your property which was not your responsibility under your tenancy agreement.
Question 3(a) We need to know what type of property you currently live in.	Question 6(b) We need to know about any improvements that your landlord has made to your property since the start of your current tenancy.
Question 3(b) We need to know how many rooms there are in your property and the description. Please list (inc the number of) every room except the bathroom, WC or utility room.	Question 7 We need to know about any defects or disrepairs in the property caused by you.
Question 3(c) Please let us know about any part of your property that is shared with another tenant.	Question 8 We need to know how much rent you are paying and the frequency of the rent.
Question 3(d) Please let us know about any part of your property that is shared with your landlord.	Question 9 Please provide the necessary documents with your application and tick the appropriate box that you have done so.
Question 3(e) We need to know details of all the outside space that is included in the tenancy.	Question 10 Please provide as much information for the reason you wish to appeal against the landlord's proposed rent increase.
Question 3(f) We need to know if the property has central heating.	Question 11 We may decide to inspect your property therefore it is important that you provide us with the dates when you WILL NOT BE AVAILABLE for an inspection.

Question 3(g) We need to know if the property has double glazing.

Question 12 Please make sure that you (or your agent if applicable) sign the form otherwise we will need to return it to you. Please note that you do not need to sign the form if you are completing it on line – simply enter your name. Please note it is your obligation to send a copy of the form to your landlord.

Important Information before completing the application form

Rent Officers are independent officers appointed by statute, who will determine your rent by comparing similar size properties in your area. On receipt of your application form the Rent Officer may decide to inspect your property, therefore it is important that you tell us when you will **not** be available for an inspection.

You should read this application form carefully and aim to complete it fully. If there are any questions that are not relevant to your circumstances, please mark this as 'not applicable' or 'N/A'.

Once completed please send your application form to:

Rent Service Scotland
2nd Floor
Endeavour House
1 Greenmarket
Dundee
DD1 4QB

Once you have submitted the application form to us, if any of the information you have provided changes, you must inform Rent Service Scotland immediately.

If you need to contact us about anything relating to this form please telephone us on 0300 244 7000 or email us on rss.dundee@gov.scot.

PLEASE NOTE - You cannot refer a case to a Rent Officer for a rent determination if the let property is located in a Rent Pressure Zone. If you are unsure about this please contact the office as detailed above.