

APPENDIX 2

CONSULTATION ANSWER FORM

Question 1: Do you agree that the no-fault ground for a landlord to repossess their property should be excluded from the new tenancy system?

Yes No Don't know

Please explain your answer.

We believe this will improve security of tenure. We have no specific comments.

Question 2: Do you agree that the ability to roll over tenancies on a monthly basis should be excluded from the new tenancy system?

Yes No Don't know

Please explain your answer.

We believe this will simplify the process for tenants and landlords and improve security of tenure.

Question 3a: Do you agree that the new type of tenancy should have a minimum duration of six months?

Yes No Don't know

Please explain your answer.

We agree with the proposals but with some reservations. There is a danger that the minimum duration becomes the default position, in the same way that Short Assured Tenancies became the default in the current system. A minimum period of 6 months may not achieve the desired outcomes of increasing security of tenure from a tenant point of view.

Question 3b: Do you agree that the tenancy should have no maximum period?

Yes No Don't know

Please explain your answer.

We agree with this subject to reasonable notice provisions set out in the consultation paper.

Question 3c: Do you agree that a tenant should be able to request a shorter tenancy?

Yes No Don't know

Please explain your answer.

We agree with the proposal but there would need to be a way to ensure that this was a genuine tenant choice.

Question 4a: Do you agree that the notice period should be linked to how long the tenant has lived in the property?

Yes No Don't know

Please explain your answer.

We believe it is fair to link notice periods to length of tenancy and that longer notice periods should apply where tenants have occupied private rented tenancies for long periods as their main homes.

Question 4b: Do you agree with the four proposed notice periods?

Yes No Don't know

If you do not agree with all four of the notice periods, please tell us which ones you disagree with and why.

We have no specific comments.

Question 5a: Do you agree that all the proposed repossession grounds should be mandatory?

Yes No Don't know

Please explain your answer.

We agree the proposals appear fair.

Question 5b: Do you agree with the proposed list of new repossession grounds?

Yes No Don't know

Please explain your answer.

We agree that the current grounds are outdated and that the proposals will simplify and modernise the grounds.

Question 5c: Are there other repossession grounds we should include in the list?

Yes No Don't know

Please explain your answer.

We have no specific suggestions.

Question 6: Do you agree that landlords should be able to recover possession of their property with a 28-day notice period in the circumstances proposed?

Yes No Don't know

Please explain your answer.

This provides the right safeguards for landlords and neighbours to enable repossession more quickly in the case of serious breaches of tenancy conditions.

Question 7: Do you agree that landlords should no longer have to issue pre-tenancy notices to recover possession of their property?

Yes No Don't know

Please explain your answer.

This will simplify an existing provision which is not currently always used as intended.

Question 8: Do you agree that the notice period for all proceedings should be four weeks?

Yes No Don't know

Please explain your answer.

This will simplify current arrangements.

Question 9: Do you agree with the proposed timescales for a tenant giving notice to a landlord to leave the property?

Yes No Don't know

Please explain your answer.

This is consistent with proposals to vary notice periods set out elsewhere in the paper.

Question 10: Do you agree that a model tenancy agreement should be introduced?

Yes No Don't know

Please explain your answer.

We agree with this proposal, which will help provide consistency of practice and contribute to the objective of a professional and well managed sector.

Question 11a: What are your views on rent levels in the private rented sector in Scotland?

Highland contains a diverse mix of urban and remote/rural communities and the private rented sector contains a wide range of range of properties, tenants and landlords.

Most areas of Highland have high demand and acute housing pressure that cannot be met within the social rented sector. The council would like to see a thriving private rented sector that could play an increasing role in meeting local housing needs.

In general there is an issue of affordability within the sector for people on low or moderate incomes. Tourism and the associated demand for holiday lets affect rent levels and availability of private sector tenancies to meet local housing needs on a seasonal basis.

Although rents in the private rented sector are market led, the levels of local housing allowance used to calculate Housing Benefit and Universal Credit are not reflective of the market.

We believe that issues of affordability for low income families is equally as important as security of tenure if the private rented sector is going to contribute to meeting long term housing needs and become a tenure of choice.

Question 11b: What action, if any, should the Scottish Government take on rent levels in the private rented sector in Scotland?

Please explain your answer

The Scottish Government could take action to ensure that more data is collected on rent levels from private landlords that let properties on an individual basis. This could be achieved through Landlord Registration and reported to the Scottish Rent Service.

Currently there are in excess of 10,000 private landlords registered in Highland. Obtaining data from private landlords who do not let through agents would provide a more representative picture of rents in the sector.

Greater promotion around the benefits and importance of collecting rent data would give a greater understanding of markets in the area. Increased levels of data would also provide more accurate information for the setting of local housing allowance rates.

Local Housing Allowance rates are calculated using the data collated on rents in a Broad Rental Market Area (BRMA). The Scottish Government could lobby for the BRMA boundary areas to be reassessed to present a more realistic reflection of the rental markets in an area.

Welfare Reform also affects affordability and access to the sector.

This is a difficult policy area that needs to balance the needs of landlords and lenders as well as tenants. We believe there is scope for a more detailed national debate about private rented sector rents

Question 11c: What rent review conditions, if any, should the new tenancy system include?

Please explain your answer.

It is difficult to impose conditions while there is a market led approach to rents. This should be considered in more detail as part of a national review of rents and affordability in the Private Rented Sector.

Question 12: Overall, do you feel that the proposed new tenancy system strikes the right balance between the interests of landlords and tenants?

Yes No Don't know

Please explain your answer.

We support the proposals, which should simplify the system and enhance tenants' rights and security of tenure.

Question 13: Do you have any (other) suggestions/comments on the new tenancy system for the private rented sector? If so, please tell us.

We do not have any other comments / suggestions.