

Private rented accommodation

In 2007/08, Citizens Advice Bureaux across Scotland dealt with 44,169 issues related to housing. Problems related to housing have increased by 25% over the last five years, and now make up over one in every ten issues seen by bureau advisers.

The private rented sector represents a small but significant component of the Scottish housing market, and has shown little but consistent signs of growth over recent years¹. It is of particular relevance to the Scottish CAB service, as our clients are more likely than the general population to be private rented tenants – 10.6% compared with 7%². We therefore welcome the Scottish Government's ongoing review of the private rented sector.

Case evidence shows that CAB clients living in this type of accommodation face a range of issues, encountered at every step of the private rented housing cycle:

- **Problems moving into private rented accommodation:** including hidden fees and illegal charges for leases, and landlords failing to provide written tenancy agreements
- **Problems whilst living in private rented accommodation:** including sudden and substantial rent hikes, poor living conditions, and shoddy or late repairs
- **Problems vacating private rented accommodation:** including landlords instigating eviction proceedings unlawfully, and failing to return clients' deposits.

Clients in private rented accommodation have limited rights. Some remain unaware of these, whilst others choose not to pursue them due to the time, stress and costs involved, or because they might become more vulnerable to eviction as a result. Unscrupulous landlords rely on this ignorance of and reluctance to enforce rights to continue operating unfair or illegal practices.

¹ Scottish Household Survey: Annual Report, Results from 2007, Scottish Government

² Figures taken from the CAS Social Profiling Report, October 2005 and Scottish Household Survey 2005

CAB clients living in private rented accommodation face numerous problems, including sudden rent hikes, poor living conditions, unlawful evictions and landlords failing to return deposits

|| *A West of Scotland CAB reports of a client whose letting agency had charged her for her lease. The adviser informed her that this was against the law, and she pursued this with the agency. The letting agency contacted their solicitor and ultimately agreed to refund the client in full.*

Contact

Keith Dryburgh, Policy and Public Affairs Co-ordinator
Lindsay Isaacs, Social Policy Officer

Citizens Advice Scotland

1st Floor, Spectrum House, 2 Powderhall Road, Edinburgh, EH7 4GB
t: 0131 550 1000 f: 0131 550 1001 w: www.cas.org.uk
need advice? www.adviceguide.org.uk

The Scottish Association of Citizens Advice Bureaux - Citizens Advice Scotland
(Scottish charity number SC016637)

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Problems moving into private rented accommodation

CAB clients report issues relating to the start of their tenure, such as agencies and landlords levying hidden and illegal fees. In addition, landlords are also failing to provide their tenants with formal written tenancy agreements. Case evidence shows:

- Letting agents illegally charging for leases
- Significant sums – up to £200 – being charged as ‘non-returnable’ holding deposits or for administration fees
- No written tenancy agreement, despite a legal obligation on landlords to do so. This can make clients feel insecure and reluctant to address other issues, such as poor living conditions.

Problems whilst living in private rented accommodation

CAB clients report problems experienced during their tenure, including rent hikes and poor living conditions. Case evidence shows:

- A number of clients facing large rent increases, the most extreme being a hike of nearly 100%, from £417 to £813 per month. Clients also report little or no warning of increases, sometimes being informed unlawfully that they will take ‘immediate effect’
- A range of problems with living conditions, including damp, rodent infestation, flooding, cracked windows, and broken boilers and cookers. Landlords can be very slow to address these problems, or carry out shoddy or faulty repairs.

Problems vacating private rented accommodation

CAB clients face a number of issues in relation to vacating private rented accommodation, including landlords failing to follow correct legal procedures to evict, or failing to return rental deposits. Case evidence shows:

- Landlords issuing CAB clients with letters stating they will be evicted, instead of formal legal notices to quit. Additionally, some landlords are denying their tenants the mandatory notice periods
- Ongoing problems relating to landlords withholding all or part of a tenant’s deposit at the end of a tenancy, claiming damage that goes beyond reasonable wear and tear. The only redress mechanism is the small claims court, which clients are frequently reluctant to utilise.

CAS proposals for change

- The Scottish Government and local authorities should improve awareness amongst tenants and landlords of existing rights and responsibilities
- Following completion of its review of the sector, the Scottish Government should promote best practice engagement between private landlords and local authorities
- Local authorities should monitor registered landlords more effectively and take effective disciplinary action against illegal and unfair practices
- The Scottish Government should introduce a tenancy deposit scheme, as provided by powers in the Housing (Scotland) Act 2006
- Local authorities should be given powers to prosecute landlords for harassment and unlawful eviction, as is the case in England.

Case evidence

|| A West of Scotland CAB reports of a client who had been renting a room from a friend. No written tenancy agreement had been signed and no time scale agreed for the tenancy. The relationship broke down following a number of rent increases, resulting in the landlord changing the locks with the client’s possessions still inside. The CAB advised that the arrangement was probably a common law tenancy, which would be presumed to last one year, at the end of which the client would have rights to a notice period. Consequently, the eviction was unlawful and the client had the right to recover her possessions and claim compensation for any losses incurred.

|| A West of Scotland CAB reports of a client who had no heating or hot water for nine months, after the heating system was condemned by a health and safety inspector. The landlord refuses to do anything about the problem, and the client cannot afford the deposit to secure alternative rented accommodation. She does not know what kind of tenancy she has, as the landlord did not supply her with a copy of the documentation as agreed. She has four children under 13 years of age.