



Landlords

# Private Landlord's Checklist

This checklist sets out all the legal duties Landlords in the Private Rented Sector must keep to, as well as general best-practice recommendations.

Registration		✓
<i>Landlord Registration</i>	By law, you must register as a Landlord. You can apply online at: <a href="http://www.Landlordregistrationscotland.gov.uk">www.Landlordregistrationscotland.gov.uk</a> . (There is a 10% discount if you register online) or by contacting the Landlord Registration team on 01294 324305. If your Landlord Registration renewal deadline is missed, an additional fee (currently £110) will automatically be applied to any subsequent late applications.	✓

Property Condition		✓
<i>Tolerable Standard</i>	By law, a house must meet the Tolerable Standard before it can be used as living accommodation. This means that it must meet the following conditions.	
	The house is structurally stable.	✓
	There is no substantial rising or penetrating damp.	✓
	The house has satisfactory natural and artificial lighting, ventilation and heating.	✓
	The house has satisfactory thermal insulation (for example, loft insulation).	✓
	There is a suitable piped supply of drinking water available within the house.	✓
	The house has a sink which provides a satisfactory supply of both hot and cold water.	✓
	There is a toilet available in a suitable place in the house, and your Tenants must not have to share this with other households.	✓
	There is a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water in a suitable place in the house.	✓
	There is an effective system for draining and disposing of waste and surface water.	✓
	Any electrical installations supplied with the tenancy meet the relevant safety requirements.	✓
	There are satisfactory facilities for cooking in the house.	✓
	There is satisfactory access to all outside doors and outbuildings.	✓

Property Condition		✓
<i>Repairing Standard</i>	By law, a house must meet the Repairing Standard before it can be used as private rented accommodation both at the beginning and throughout the tenancy.	
	The house is wind and watertight (so is free from draughts and water leaks) and is reasonably fit for people to live in.	✓
	The structure and outside of the house (including drains, gutters and pipes) are in a reasonable state of repair and in proper working order.	✓
	The system for supplying water is in a reasonable state of repair and in proper working order.	✓
	The system for supplying gas (where applicable) is in a reasonable state of repair and in proper working order.	✓
	Since December 2016, Landlords are required to have a valid in-date Electrical Installation Condition Report (EICR). This should be completed by a competent tradesman and carried out a minimum of every 5 years. A copy should also be provided to the tenant for their records.	✓
	The systems for providing clean drinking water and disposing of sewage (sanitation) are in a reasonable state of repair and in proper working order.	✓
	The heating system is in a reasonable state of repair and in proper working order.	✓
	The system for heating water is in a reasonable state of repair and in proper working order.	✓
	Any fixtures, fittings and appliances (for example, kitchen cabinets and the washing machine) you provide under the tenancy are in a reasonable state of repair and in proper working order.	✓
	Any furnishings you provide under the tenancy (for example, carpets and curtains) are safe for the purpose they are designed.	✓
	There is at least one working smoke alarm on each floor of the house and in each room used for general living purposes. These must be hard wired to the mains supply and interlinked. There must also be a heat detector within the kitchen area.	✓
	Since April 1, 2015 there must be carbon monoxide detector in every room where there is a fixed combustion appliance (excluding cookers) and in every bedroom or living area where a flue passes through.	✓

Property Safety		✓
<i>Gas Safety</i>	All gas equipment you provide, such as fires or a cooker, must be inspected every year by a Gas Safe Register engineer.	✓
	You must give the Tenant a copy of the gas safety certificate at the start of the tenancy and within 28 days of the safety inspection each year.	✓
	You must keep every gas safety certificate for at least two years.	✓
<i>Furniture Safety</i>	All soft furnishings you provide with the tenancy must meet safety standards. There should be a label on items to show they meet the Furniture and Furnishings (Fire) (Safety) Regulations.	✓
<i>Electrical Safety</i>	All electrical installations and appliances you supply as part of the tenancy must be safe for use. Best practice may be to give the tenant an electrical safety certificate and regular inspection reports.	✓
	Since December 2016, Landlords are required to have a valid in-date Electrical Installation Condition Report (EICR). This should be completed by a competent tradesman. A copy should also be provided to the tenant for their records.	✓
	You must keep electrical safety certificates for at least six years.	✓
<i>Water Safety</i>	The Health & Safety Executive (HSE) have an Approved Code of Practice & Guidance on regulations with regards to water safety. The code requires private Landlords to carry out: A risk assessment to identify & assess potential sources of exposure, and thereafter, where a risk has been identified. To introduce a course of action to prevent or control any identified risk.	✓
	Legionnaires risk assessments can be carried out by the Landlord if he is competent to do so, or ultimately can be done by a suitable qualified third party. The ultimate responsibility remains with the Landlord, even where he employs a Letting Agent to manage the property on his behalf.	✓

Permission		✓
<i>Mortgage</i>	If you have a mortgage on your property, get your mortgage provider's permission before renting out the property. Failure to do so may incur additional costs to your re-payments.	✓
<i>Insurance</i>	You must tell your insurer that you plan to rent out the property and consider taking out Landlord insurance.	✓

**Please note that tenancy legislation is changing and the sections below will only be applicable under the current Assured Tenancies regime as part of the Housing (Scotland) Act 1988.**

Documents you need before renting out the property		✓
<i>AT5</i>	If you want the tenancy to be a short assured tenancy, you must tell the Tenant by filling in an AT5 form before signing the tenancy agreement.	✓
<i>Inventory</i>	You should give the Tenant an inventory listing everything that is in the property you're renting out (for example, furniture, carpets and curtains, kitchenware and so on) and the condition it's in at the start of the tenancy.	✓
	Once both you and the Tenant are happy that the inventory is correct, make sure that both of you sign and date it.	✓
	You may also include photographs with the inventory to help prove what state the property was in at the start of the tenancy.	✓
	Keep a copy of the inventory in a safe place.	✓
<i>Tenant Information Pack</i>	You must provide your Tenant with a copy of a Tenant Information Pack and get signed acknowledgement that they have received it.	✓
<i>EPC</i>	Each time you rent out the property, you must give the Tenant a copy of the energy performance certificate (EPC).	✓

Tenancy Agreement		✓
<p>You must provide the Tenant with a written tenancy agreement clearly setting out the terms of the tenancy. <b>This should contain only fair, lawful terms. The tenancy agreement must:</b></p>		
Include your and your agent's (if you have one) name and address.		✓
Say how long the tenancy is for (the minimum period for a short assured tenancy is six months).		✓
Say how much notice you and the Tenant must give to end the tenancy.		✓
Say how much the rent is and how and when the Tenant should pay this.		✓
<p><b>The tenancy agreement should also:</b></p>		
Explain the circumstances when you will be entitled to keep the deposit at the end of the tenancy. You will not be able to make a claim on the deposit if you have not done this.		✓
Include a list of any bills the Tenant will be responsible for paying (for example, Council Tax, gas, electricity, phone).		✓
List your and the Tenant's responsibilities for repairing and maintaining the property. (However, you must still meet your legal duties regarding the tolerable and repairing standards).		✓
You (or your agent) and the Tenant must sign and date the tenancy agreement in front of another person (the witness). The witness should also sign the agreement and include their address.		✓

Tenancy deposits		✓
<i>Deposit Regulations</i>	When taking a deposit from a Tenant, the maximum amount you can ask for is the equivalent of two months' rent.	✓
	Apart from the deposit and rent, it is illegal to ask the Tenant for any extra payments. This includes administration fees or other expenses.	✓
	Pay the deposit into one of the tenancy deposit schemes that have been approved by the Scottish Government. You should pay all new deposits into an approved scheme within 30 days of the beginning of the tenancy. You should also give the Tenant details of the scheme that you are using to hold the deposit.	✓

Ending a Tenancy		✓
<i>Notice to Quit</i>	You must give the Tenant a notice to quit if you want to end the tenancy. For a notice to quit to be valid, it must:	✓
<i>Notice to Quit</i>	be in writing.	✓
	say how much notice you are giving the Tenant (that is, say when they have to leave).	✓
	explain that once the notice has run out, you will get an order from the court and the Tenant will have to leave.	✓
	tell the Tenant that they can get independent advice and tell them where they may be able to get advice from.	✓
<i>Section 33 Notice</i>	For a short assured tenancy, you must also give the Tenant a section 33 notice with the notice to quit. This document tells the Tenant that you want to get the property back because the tenancy agreement is ending.	✓
	You must give the Tenant at least two months' notice.	✓
<i>Notice of Proceedings (AT6)</i>	For a short assured tenancy, we recommend that you also give the Tenant a notice of proceedings (AT6) if you think they may be unwilling to leave the property. The notice of proceedings tells the Tenant that you plan to apply for a court order to get the property back. <i>For a notice of proceedings to be valid, it must:</i>	✓
	explain why you want the property back (these reasons are known as ground).	✓
	contain information about the grounds and how they apply to the Tenant.	✓
<i>Section 11</i>	You must give the local council a section 11 notice once you have been granted a summons from the court. This document tells the local council that the Tenant may be at risk of becoming homeless, because you are taking the property back.	✓
<i>Deposit</i>	Apply for the deposit to be returned, giving details about how much should be repaid to the Tenant.	✓
<i>Council Tax</i>	You should inform the Council when there is a change of Tenant. Call 01294 310000 or fill in and return a 'Change of Tenancy' form.	✓



**If you would like more information about the rights and responsibilities of Landlords, or have any questions about Private Sector housing matters, please contact:**

**Housing Services Private Sector Advice Team  
North Ayrshire Council  
Cunninghame House, 3rd Floor (East)  
Irvine, KA12 8EE**

**Phone: 01294 324644 / Fax: 01294 324624  
Email: [psadvice@north-ayrshire.gov.uk](mailto:psadvice@north-ayrshire.gov.uk)  
[www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk)**

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