

Waste from Rental Properties – Information for Landlords, Letting Agents and Tenants

What is defined as 'waste from landlords'?

The following are defined as 'waste from landlords':

Waste that is generated from improvements, repairs or alterations to your property.

Discarded fixtures and fittings that have been supplied as part of the terms of a lease of the property.

Waste that is removed on behalf of a tenant, rather than being disposed of by the tenant themselves.

Waste that is left after a tenant has left the premise.

Under Section 34 of the Environmental Protection Act 1990, landlords renting property have legal obligations, which includes a Duty of Care to ensure that all waste arising from lettings is disposed of legally. Failure to comply is an offence and could lead to prosecution.

Agents acting on behalf of landlords may assume responsibility for absentee landlords.

Can Landlords take waste to Council dumps or HWRCs?

Properties that are let, residentially or commercially, are considered a business and therefore any waste produced as a result of this business activity is classed as commercial waste.

Waste from landlords is **not accepted** at Household Waste Recycling Centre (HWRC) in North Ayrshire. HWRCs are only permitted to accept household waste and to knowingly deposit or accept commercial waste (which Landlord waste is defined as) is illegal.

How can landlords dispose of waste from tenanted properties legally and comply with their 'Duty of Care'?

Contact North Ayrshire Council to arrange a chargeable special collection.

Contact a suitably licensed waste contractor.

Take your waste to a suitably licensed facility such as a waste disposal company.

Do Landlords have to be registered waste carriers?

You may need to be a registered waste carrier. Please contact the Scottish Environment Protection Agency for guidance.

Do the Council provide free waste collection containers for tenanted properties where containers are required after being lost or stolen?

Landlords are responsible of ensuring that the correct wheeled containers are supplied with their properties? North Ayrshire Council charge for all containers. These can be ordered through North Ayrshire Councils Customer Services Team on 01294 310000.

What is not Landlord defined waste? Waste created by the tenant in the course of their tenancy e.g. general rubbish (food, nappy waste etc.), recycling (plastic bottles, cans, paper etc.) and garden waste (grass cuttings, pruning's etc.) are the responsibility of the tenant to dispose of via the Council's domestic waste collection service provided to each domestically rated property. (i.e. where the tenant is registered and paying Council Tax for the property).

My tenants vacated the property and left waste that they generated during the tenancy but failed to dispose of it. Is this my responsibility?

This waste becomes the responsibility of the Landlord and therefore waste from commercial activity.

How can I reduce my liability whilst still complying with my legal obligations?

Ensure you use a suitably licensed waste contractor. Consider adding a clause to your tenancy agreement requiring the property to be cleared of all waste at the end of the rental period. Failure to comply could result in a charge to the tenants for waste removal. Remember the Landlord is subsequently responsible for any waste left behind.

What if I have multiple tenanted properties?

How much waste do you produce each year from this business activity? It may be more cost effective to set up a contract with a waste collection company as remember waste which is generated from improvements, repairs or alterations to your properties and all waste that is removed on behalf of the tenants which they leave behind is your responsibility. Waste from landlords is **not accepted** at Household Waste Recycling Centre (HWRC) in North Ayrshire.