



The Private Rented Housing Panel



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- Goes live on 3rd September 2007!
- How will it work in practice?



Legislation

- Housing (Scotland) Act 2006
- Chapter 4 of Part 1
- Sections 64 and 67
- Schedule 2
- Private Rented Housing Panel
(Applications and Determinations)
Regulations 2007



prhp

- User-friendly and accessible
- Forms and guidance leaflets available in different languages and formats
- www.prhpscotland.gov.uk



Jurisdiction

- Section 12 of the Act excludes certain tenancies
- No application can be made where the landlord is:-
 - A local authority landlord
 - A Registered Social Landlord (RSL)
 - Scottish Homes, or
 - Scottish Water



Adviser's checklist

- Is the Tenancy Agreement available?
- Does the problem fall within the repairing standard?
- Has the landlord been notified of the problem?



Application

- Pro forma application available
- Must be in writing
- Paragraph 3 of the 2007 Regulations lists the information that must be provided



Paragraph 3

- Name + address of tenant and the tenant's representative, if any
- Profession of the representative
- Name of landlord
- Landlord's address, or representative's details
- Details of the work needing done



Paragraph 3

- Tenant must also state reasons for considering landlord has not complied
- Tenant must declare that notification has been given
- Tenant must state if willing to mediate
- Must state that application is under section 22(1)
- Application must be signed and dated



Representatives

- Party can act in person or be represented
- Must notify if start acting
- Must notify if stop acting
- Notifications must be in writing



Paragraph 4 - attachments

- Copy of lease, tenancy agreement or rent book, if available
- Details of notification
- Check proper evidence of notification is available



What happens next?

- Within 14 days case will be referred to a committee or mediation, or it will be rejected
- Case will only be rejected if:-
- It is vexatious or frivolous
- There has been a recent similar application
- Dispute has been resolved



Referral notice

- Referral notice will include:-
- The details of the application
- Statement confirming referral
- Date by which written representations/request for oral hearing must be made



Inspection/Hearing

- Same committee
- Committee made up of lawyer, surveyor and a lay member
- Normally both on same day
- Parties and their representatives entitled to attend the inspection



Amendments

- Can amend in relation to the issue of disrepair up until 5 working days before hearing
- Within 5 working days, can amend with consent
- Where **new issue** raised, can amend only with consent



Hearings

- Normally held in public
- Committee determines procedure
- Committee can make directions
- Committee can cite witnesses
- Committee order reports
- Parties can claim reasonable travelling expenses



Decisions

- Not normally issued immediately
- Written decision sent out
- Includes statement of reasons
- Can be by majority



Repairing Standard Enforcement Order

- Requires landlord to carry out work
- Order is registered with Land Register
- Must specify time period within which work to be completed
- Time allowed cannot be less than 21 days



What happens next?

- Further inspection
- If order not complied with, Committee must serve notice on local authority, and
- Can make a Rent Relief Order
- Report sent to Procurator Fiscal
- If landlord **unable to comply** then notice served on local authority
- If complied with, order revoked



Rent relief order

- Section 27 of the Act
- Can reduce normal rent by up to 90%
- No effect on any other terms of the tenancy
- Can be revoked at any time
- Must be revoked if repairing standard enforcement order revoked.
- Tenant **NOT** required to pay back rent lost during period of the rent relief order.



Offences

- Landlord commits offence if fails to comply with Repairing Standard Enforcement Order “without reasonable excuse”.
- Landlord commits offence if re-lets house while Repairing Standard Enforcement Order still in force.
- Fine in each case = level 3 = £1,000



Appeals

- Section 64 of the Act
- Landlords and tenants can appeal to Sheriff against a Committee decision
- Tenant can appeal against decision of the President not to refer a complaint to the Committee
- In each case, appeal must be within 21 days of notification of the decision.



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