

# Consultation on a new tenancy for the private rented sector



## RESPONDENT INFORMATION FORM

**Please note:** this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

UNISON Scotland

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

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Forename

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### 3. Permissions - I am responding as...

Individual

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick **ONE** of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes  No

Yes, make my response,  
name and address all  
available

**or**

Yes, make my response  
available, but not my  
name and address

**or**

Yes, make my response  
and name available, but  
not my address

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

**Yes**

**No**

## 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.

YES. Private renters should be able to stay in a property for as long as they need, as long as they meet their obligations under the tenancy. This will give those in the private sector similar security to those in the social housing sector.

**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.

YES. As above. The roll over system can leave tenants with a very short tenancy, causing instability in the sector and frequent moves for families.

**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.

YES. There should be an initial period of six months followed by tenants being able to give reasonable notice, say eight weeks.

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

Yes  No  Don't know

Please explain your answer.

YES. Tenants should be able to remain in the property for as long as they need as in 1 above.

**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.

YES. This would suit very specific groups such as seasonal workers and others needing a short period of tenure.

**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.

No. Notice period should be same for all tenants, based on a no fault

provision.

**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.

No. There should be a simpler system based on two periods. 16 weeks where the tenant is not at fault, and 28 days where the tenant is at fault.

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

Yes  No  Don't know

Please explain your answer.

No. We support the proposals set out by Shelter Scotland that we believe provide a fair balance between the interests of landlords and tenants.

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

Yes  No  Don't know

Please explain your answer.

YES

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

Yes  No  Don't know

Please explain your answer.

YES. There should be an abandonment procedure.

**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.

YES

**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.

YES. A simpler statutory tenancy would obviate the need.

**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.

YES

**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.

YES

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

Yes  No  Don't know

Please explain your answer.

YES A model tenancy agreement understood by all should be the cornerstone of reform. It should include mandatory and discretionary clause.

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

Private sector rent levels have been increasing at some of the highest rates in the UK and are now double the cost of social housing. This is particularly acute in some cities. The growth of the private sector is largely because the government is not supporting the building of sufficient social housing. UNISON believes that 10,000 homes a year are needed and we have set out in our housing finance plans how these can be funded.

[http://www.unison-scotland.org.uk/housing/FundingAndBuildingTheHomesScotlandNeeds\\_Mar2013.pdf](http://www.unison-scotland.org.uk/housing/FundingAndBuildingTheHomesScotlandNeeds_Mar2013.pdf)

For those who chose to rent in the private sector there should be a system of rent controls similar to those that operate in Germany. Shelter Scotland has set out how this might work in Scotland.

**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

As above

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

Please explain your answer.

As above

**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.

Broadly YES, but with the amendments set out above. UNISON Scotland argued for these reforms during the passage of the Housing Bill and believes this was a missed opportunity to tackle this issue. None the less, the proposals above would be a significant improvement for this important and growing sector and strike the right balance between the needs of tenants and landlords.

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

Comments