

A background image showing three people (two women and one man) smiling and walking on a street. The man is wearing a dark coat and holding a folder. The women are also smiling and looking towards him. The image is slightly faded to allow text to be overlaid.

Working with Letting Agents

Daryl McIntosh

Strategic development manager Scotland and Northern Ireland

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arla.co.uk

Association of Residential Letting Agents (ARLA)



What Makes our Members Different?

- **Backed by a Client Money Protection (CMP) scheme**
- **Submit independently audited financial accounts to Propertymark**
- **Experienced and trained professionals who are required to undertake regular training (CPD)**
- **Kept up to date with complex legislative changes and best practice**
- **Adhere to a nationally recognised Code of Practice**
- **Hold professional indemnity insurance**
- **Legal helpline**

Scottish Letting Agent Register



**The Scottish
Government**
Riaghaltas na h-Alba

Legislation



The Letting Agent Code of Practice (Scotland) Regulations 2016



HOUSING (SCOTLAND) ACT 2006

CHAPTER 4

THE REPAIRING STANDARD

13. The repairing standard

(1) A house meets the repairing standard if—

- (a) the house is wind and water tight and in all other respects reasonably fit for human habitation,**
- (b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,**
- (c) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,**
- (d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,**
- (e) any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed ,**
- (f) the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire, and**
- (g) the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.**

HOUSING (SCOTLAND) ACT 2006

CHAPTER 4

THE REPAIRING STANDARD

14 Landlord's duty to repair and maintain

(1) The landlord in a tenancy must ensure that the house meets the repairing standard—

- (a) at the start of the tenancy, and**
- (b) at all times during the tenancy**

(2) The duty imposed by subsection (1) includes a duty to make good any damage caused by carrying out any work for the purposes of complying with the duty in that subsection.

(3) The duty imposed by subsection (1)(b) applies only where—

- (a) the tenant notifies the landlord, or**
- (b) the landlord otherwise becomes aware,**

that work requires to be carried out for the purposes of complying with it.

(4) The landlord complies with the duty imposed by subsection (1)(b) only if any work which requires to be carried out for the purposes of complying with that duty is completed within a reasonable time of the landlord being notified by the tenant, or otherwise becoming aware, that the work is required

HOUSING (SCOTLAND) ACT 2006

CHAPTER 4

THE REPAIRING STANDARD

15 Application of duty in relation to flats etc.

(1) Where a house forms part only of any premises, the reference in section 13(1)(b) to the house includes reference to any part of those premises which the owner of the house is responsible for maintaining (solely or in common with others) by virtue of ownership, any real burden or otherwise.

(2) Nothing in subsection (1) requires the landlord to carry out any work unless any part of the premises, or anything in the premises, which the tenant is entitled to use is adversely affected by the disrepair or failure to keep in proper working order.

Tenements (Scotland) Act 2004

18 Obligation of owner to insure

- (1) It shall be the duty of each owner to effect and keep in force a contract of insurance against the prescribed risks for the reinstatement value of that owner's flat and any part of the tenement building attaching to that flat as a pertinent.
- (2) The duty imposed by subsection (1) above may be satisfied, in whole or in part, by way of a common policy of insurance arranged for the entire tenement building.
- (3) The Scottish Ministers may by order prescribe risks against which an owner shall require to insure (in this section referred to as the "prescribed risks").
- (4) Where, whether because of the location of the tenement or otherwise, an owner—
(a) having made reasonable efforts to do so, is unable to obtain insurance against a particular prescribed risk; or
(b) would be able to obtain such insurance but only at a cost which is unreasonably high, the duty imposed by subsection (1) above shall not require an owner to insure against that particular risk.
- (5) Any owner may by notice in writing request the owner of any other flat in the tenement to produce evidence of—
(a) the policy in respect of any contract of insurance which the owner of that other flat is required to have or to effect; and
(b) payment of the premium for any such policy, and not later than 14 days after that notice is given the recipient shall produce to the owner giving the notice the evidence requested.
- (6) The duty imposed by subsection (1) above on an owner may be enforced by any other owner.

The Private Residential Tenancy agreement



When it goes wrong



Agent obligations



Terms & Conditions

The decision makers

Housing and Property Chamber
First-tier Tribunal for Scotland



People and money



Best practice?



How do we take it forward.....

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Daryl McIntosh

darylmcintosh@Propertymark.co.uk

Tel: 07714 520 875

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