



Private Landlords Checklist

This checklist sets out the main legal duties landlords in the private rented sector must keep to, as well as general best-practice recommendations.

Registration		✓
Landlord registration	By law, you must register as a landlord. You can apply online at: www.landlordregistrationscotland.gov.uk (there is a 10% discount if you register online) or by contacting the Landlord Registration team on 01294 324305.	

Property condition		✓
Tolerable standard	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		✓
Repairing standard	By law, a house must meet the repairing standard before it can be used as private rented accommodation. This means that it must meet the following conditions:	
	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 is in a reasonable state of repair and in proper working order.	✓
	The system for supplying electricity is in a reasonable state of repair and in proper working order. From 1 December 2015, landlords will be required to instruct an Electrical Installation Condition Report and provide an electrical safety certificate to tenants at the start of all new tenancies. For existing tenants at this date, certificates must be provided by 1 December 2016. These last for no more than 5 years.	✓
	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 hard-wired smoke alarm on each floor of the house.	✓
	There is a satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.	✓

Property safety		✓
Gas safety	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.	✓
Furniture safety	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.	✓
Electrical safety	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. From 1 December 2015, providing an electrical safety certificate to new tenants will be a legal requirement.	✓
	You must keep electrical safety certificates for at least six years.	✓

Permission		✓
Mortgage	If you have a mortgage on your property, get your mortgage provider's permission before renting out the property.	✓
Insurance	You must tell your insurer that you plan to rent out the property and consider taking out landlord insurance.	✓



You must keep your gas safety certificate for at least two years.

Other tenancy documents		✓
AT5	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.	✓
Inventory	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.	✓
Tenant Information Pack	You must provide your tenant with a copy of a Tenant Information Pack and get signed acknowledgement that they have received it.	✓
EPC	Each time you rent out the property, you must give the tenant a copy of the energy performance certificate (EPC).	✓

Tenancy agreement		✓
You must provide the tenant with a written tenancy agreement clearly setting out the terms of the tenancy. This should contain only fair, lawful terms. The tenancy agreement must:		
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.		✓

Tenancy agreement should also:		✓
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).		✓
Provide your tenant with an emergency contact number.		✓
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		✓
Deposit regulations	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.	✓



Apart from the deposit and rent, it is illegal to ask the tenant for any extra payments.

Ending a tenancy		✓
Notice to quit	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:	✓
	Be in writing.	✓
	Say how much notice you are giving the tenant (it must state 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 where they may be able to get advice from.	✓
Section 33 notice	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.	✓
Notice of proceedings (AT6)	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. For a notice of proceedings to be valid, it must:	✓
	Explain why you want the property back (these reasons are known as grounds).	✓
	Contain information about the grounds and how they apply to the tenant.	✓
Section 11	You must give the Council a section 11 notice once you have been granted a summons from the court. This document tells the Council that the tenant may be at risk of becoming homeless, because you are taking the property back.	✓
Deposit	Apply for the deposit to be returned, giving details about how much should be repaid to the tenant.	✓
Council Tax	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 the Development and Strategy Team:

**Development and Strategy Team
Private Sector Advice
North Ayrshire Council, 3rd Floor,
Cunninghame House, Irvine, KA12 8EE.**

**Phone: 01294 324644 / Fax: 01294 324624
www.north-ayrshire.gov.uk**

This document is available in other formats such as audio tape, CD, Braille and in large print. It can also be made available in other languages on request.

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