

Booking Now!

May - July 2006

All of these courses are held in **CITY CENTRE VENUES.**

Landlord Training Programme

FINDING A TENANT

THURSDAY 4 MAY 2006 10.00AM – 1.00PM

PRIVATE SECTOR LEASING

WEDNESDAY 10 MAY 2006 6.00PM – 8.30PM

ANTISOCIAL BEHAVIOUR

THURSDAY 11 MAY 2006 10.00AM – 1.30PM

THURSDAY 13 JULY 2006 1.00PM – 4.30PM

DEPOSITS (NEW COURSE)

THURSDAY 18 MAY 2006 10.00AM – 1.00PM

HOUSES IN MULTIPLE OCCUPATION

TUESDAY 23 MAY 2006 10.00AM – 1.15PM

TENANCY AGREEMENTS

THURSDAY 25 MAY 2006 5.45PM – 8.30PM

*THURSDAY 29 JUNE 2006 10.00AM – 1.00PM

RECOVERY OF POSSESSION

THURSDAY 1 JUNE 2006 5.45PM – 8.30PM

*THURSDAY 29 JUNE 2006 1.30PM – 4.30PM

THE LAW OF REPAIRS

THURSDAY 15 JUNE 2006 5.45PM – 8.00PM

TAX, FINANCE, BOOK-KEEPING AND INSURANCE

TUESDAY 27 JUNE 2006 5.45PM – 9.00PM

COMMON REPAIRS

TUESDAY 4 JULY 2006 1.00PM – 4.00PM

GAS SAFETY AWARENESS

THURSDAY 6 JULY 2006 10.00AM – 2.00PM

HOUSING BENEFIT AND COUNCIL TAX

THURSDAY 27 JULY 2006 10.00AM – 1.00PM

* The courses on 29 June on Tenancy Agreements and Recovery of Possession must be booked together.

All of these courses are **FREE OF CHARGE.**

This is just a quick guide to the course on offer from Letwise. Full details are available online at www.edinburgh.gov.uk/letwise or can be sent by email or post on request.

Places on these courses are limited and will be allocated on a first come, first served basis. You can book a place on any of these courses by contacting Rosalind Laidlaw on 0131 529 7454 or emailing letwise@edinburgh.gov.uk.

You can get this document on tape, in braille, large print and various computer formats if you ask us. Please contact ITS on 0131 242 8181 and quote ref. 051182. ITS can also give information on community language translations. For additional English copies, please phone 0131 529 7454.

ان سائیز لیٹنگ Inside Letting لیٹنگ کے ساتھ دی سٹی آف ایڈنبرا کونسل کا سید ماہی رسالہ نئی مکانات کے مالکان اور دیگر افراد کیلئے ہے جو کہ ایڈنبرا میں نئی مکانات کو کرائے پر دینے میں دلچسپی رکھتے ہیں۔ اپنی کیورٹی میں بولی جانے والی زبان میں اس رسالے کے ترسے کے متعلق معلومات کیلئے برائے مہربانی ایئر پریسیشن/ایڈنبرا ٹیلیفون سروس ITS کو 0131 242 8181 پر ٹیلیفون کریں اور ریفرنس نمبر 051182 کو حوالہ دیں۔

الإيجار الداخلي في مجلة مجلس بلدية إدنبرة الربع سنوية للمؤجرين للمنازل الخاصة وللآخرين الذين لهم إهتمام بسوق إيجارات المنازل الخاصة في مدينة إدنبرة. إذا كنتم ترغبون في معلومات عن ترجمة هذا المستند الى لغة جاليتكم نرجو الإصال هاتفيا بمكتب الترجمة (ITS) على الرقم 0131 242 8181 وذكر رقم الإشارة 051182

「房屋出租内幕季刊」是愛丁堡市議會出版的季度雜誌，供私人房東及其他對愛丁堡私人房屋出租市場有興趣的人士參閱。欲得到本季刊的中文翻譯資訊，請電 0131 242 8181 向愛丁堡市議會傳譯及翻譯服務部 (ITS) 查詢；並說明參考編號 051182

‘ইনসাইড লেটিং’ হল প্রাইভেট বাসাবাড়ী ভাড়া করবার ব্যাপারে যারা আগ্রহী তাদের জন্য ‘সিটি অফ এডিনবরা কাউন্সিলের’ ত্রৈমাসিক পত্রিকা। এই পত্রিকার অনুবাদ আপনার সম্প্রদায়ের ভাষায় পাওয়ার ব্যাপারে তথ্য পেতে হলে ইন্টারপ্রেশ্যান গ্র্যান্ড ট্রান্সলেশান সার্ভিস -এর সাথে 0131 242 8181 নম্বরে ফোন করে রেফারেন্স নম্বর 051182 উল্লেখ করবেন।

INSIDE LETTING

Edinburgh's Link with Landlords

ISSUE 7 • SPRING 2006

Registration Matters

On 31st March 2006 Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 comes into force. All landlords who let private property in Scotland must register with each local authority where they let property.

Landlords will have until 30th April 2006 to submit their applications to register. It will be a criminal offence to collect rent if landlords are not registered or in the process of registering by this date.

The aims of registration are to:

Enforce minimum standards in the private rented market

Remove the worst landlords from the market:

A local authority can seek to remove a registered landlord from the register if it learns that he or she is not a fit and proper person to let property.

Deal with antisocial behaviour:

Local authorities will have

powers to take action against landlords who fail to manage their property, and so minimise antisocial behaviour from tenants.

Allow tenants and neighbours to identify and contact landlords:

Although the register will no longer be made available in its entirety to the public, specific queries can be addressed to the local authority.

Provide up to date information about the private rented market in Scotland:

Landlords must ensure that that information to the local authority is kept up to date. For example, if you buy or sell a letting property or use a new or different agent, the local

in this issue

FOCUS ON REGISTRATION

LETSWISE LANDLORD TRAINING **Booking Now!**

See back page for more details.

authority must be told. There will be no need however to tell the local authority about a change of tenant.

This issue of Inside Letting has a special pull out and keep section about registration with up to the minute information about how registration will work in Edinburgh, including what it will cost and where you can get help and advice.



letwise

help and advice for landlords in Edinburgh

• EDINBURGH •
THE CITY OF EDINBURGH COUNCIL

INSIDE LETTING

Inside Letting is a quarterly publication produced by The City of Edinburgh Council for landlords and letting agents in Edinburgh.

FEEDBACK / LETTERS

If you have any thoughts/ issues or comments on the magazine, would like to suggest/contribute an article, or would like to have a question answered on the help page, please contact:

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or email
insideletting@edinburgh.gov.uk

If you would like to receive additional copies of Inside Letting please call 0131 529 7454.

For more information, or to make comments, suggestions or complaints about the services provided by Private Housing Services you can contact us at:

Private Housing Services
The City of Edinburgh Council
23 Waterloo Place
Edinburgh
EH1 3BH

Tel: 0131 529 7454
Email: phs@edinburgh.gov.uk

Web: www.edinburgh.gov.uk/phs

letwise

help and advice for landlords in Edinburgh

Since 2005 more than 1300 landlords have attended our popular training courses and it looks like this figure will keep on rising. You can find a summary of the courses on offer on the back page and full course details are available at www.edinburgh.gov.uk/letwise or we can email them to you if you contact us on 0131 529 7454.

You said, we did

Last June, letwise carried out its first customer survey and we're pleased to report that your comments have led to several changes. We've:

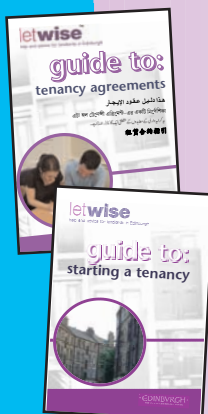
- added a greater variety of start times for our training courses
- included some whole day training events in our programme
- added new courses including tax, finance and book-keeping and common repairs
- added new features to "Inside Letting" like the Landlord Q+A and the rental market report.

Watch out in June for our next survey and your chance to win a £25 shopping voucher.

Full results of our 2005 survey can be found on www.edinburgh.gov.uk/letwise

What do you think?

Customer feedback and suggestions are really important to us. We're keen to hear what you think about us, the services we provide and comments on what you think we do well or what could be improved. If you have any feedback or suggestions we'd love to hear from you, please call us on 0131 529 7454.



www.edinburgh.gov.uk/letwise



Caroline Elgar
Letting Department Manager
Charles White Ltd

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www.charleswhite.co.uk

2006 will see the biggest shake up in rental market legislation for many years when, on 30th April 2006, it becomes compulsory for all private residential landlords to register with their local authority.

Caroline Elgar, Letting Department Manager at Charles White Ltd, examines the likely impact of the legislation on individual landlords, and on the rental market in general.

Landlord registration has not received a very positive press in recent months, with inaccurate scare stories threatening ASBOs and rent penalties on landlords unfortunate enough to find themselves with an antisocial tenant. In reality, it is something of a myth that from 31st March landlords will be punished for their tenants' behaviour. All that is being asked is that landlords take normal management practice action and initiatives to combat their tenants' behaviour. This means giving

tenants written warnings that their behaviour is unacceptable and, if the behaviour continues, taking steps to terminate the tenancy. For most landlords this is already standard practice. Local authorities will have a duty to offer advice and assistance to landlords if they require it and only in extreme circumstances, where the landlord refuses to co-operate, will they be penalised by the local authority.

In fact, many landlords will find that registration actually benefits them in coming years. If local authorities succeed in their aim of registering all landlords, then no longer will landlords be faced with the frustration of not knowing who manages the flat above that is leaking into theirs. Landlords will also be able to find out who owns the flat next door whose tenants' behaviour is driving their own tenants away or who is responsible for the flat for which a share of a communal repair hasn't been paid. For the first time ever, this information will be available over the internet at the click of a button.

For many landlords this raised concerns about the confidentiality of the data they will be asked to provide. The Scottish Executive has now made it clear that the public register will simply provide the name of the landlord and a contact address. Where an agent is employed to manage the property then the agent's address can be made available rather than that of the landlord.

So what will the impact of this new legislation be on the rental market as a whole? It is unlikely that the cost of registering will drive anyone out of the industry.

Registration may act as a mental barrier to those toying with the idea of entering the market, but ultimately it is unlikely to have any genuine impact on the number of properties available. A small number of 'rogue' landlords may be forced out of the industry, but most will consider this to be no bad thing.

For more information on landlord registration see the special registration pullout in this issue or you can contact letwise on 0131 529 7454 or visit www.landlordregistrationscotland.gov.uk

in brief

Housing (Scotland) Act 2006

The Housing (Scotland) Bill became an Act of the Scottish Parliament on 5th January 2006 when it received Royal Assent.

A number of aspects will affect private landlords. The current tolerable standard has been amended – you can find further information regarding these amendments by accessing a Policy Briefing from the Strategy & Development pages on the Private Housing Services website: www.edinburgh.gov.uk/phs

As the implementation timetable is still being developed by the Scottish Executive we are unsure when various other parts of the Act will come into force. You can keep up to by checking for additional policy briefings over the coming months.

If you require any further information regarding the Housing Act please contact Phil Rowsby on 0131 529 2256 or at phil.rowsby@edinburgh.gov.uk

Q&A *

In this issue we turn the spotlight on Val and Davie Park. They've just entered their fifties, have a sixteen year old daughter, and have let properties for over ten years.



Q. How many properties do you manage and where are they?

A. We own two letting properties in Bruntsfield and Slateford.

Q. Why Edinburgh? What's so special about its rental market?

A. Because we stay here! We self manage and it's much easier when you're within easy reach of the properties. Edinburgh's rental market is so diverse – there's corporate letting to companies, families wishing to rent, young professionals moving up and on and students discovering the city.

Q. What are your main concerns as a Landlord/Agent?

A. We don't have "concerns" as such. The main thing is to get good tenants and to develop good relations with them and their close neighbours. It's a two-way thing - you're providing a home for someone, not just coldly grabbing the rent at the end of the month.

Q. Have you attended any Letwise courses?

A. All of them so far and we're looking forward to finding out more about landlord registration. The Antisocial Behaviour course gave us most food for thought – fortunately it was for information only.

Q. What do you think of Landlord Accreditation?

A. Anything that raises standards has got to be good.

Q. Best landlord story?

A. Only one? A group of students brought one of their mothers with them to view the flat. She asked all the right questions, mentioned she'd been in letting herself and that she'd be in close contact with her daughter and the other girls during the tenancy. Great, we thought, one problem-free year coming up. Aye right! They were the worst tenants we've ever had and we ended up using nearly all their deposit to repair breakages, intentional damage, and

bringing in a cleaning company after they'd left. We met up with one of them a few years later at a parents night at our daughter's school. We were parents, she was staff!

Q. What advice would you give to landlords just starting out?

A. Well, if you're reading Inside Letting you'll be fairly switched-on already. Find out as much as you can before you take the plunge by signing up for as many letwise courses as you can, even if you think they might not apply to your circumstances you'll come away having learnt something of value, and go through their website from start to finish. Another truly wonderful resource is the "Property Investing – Practical" section on www.fool.co.uk, we just can't recommend this highly enough. Make sure your accountant understands letting, and lastly – follow up references every time and always get a guarantor.

SIPPS u-turn shocks the city

On 5th December 2005, in his pre-budget statement, Chancellor Gordon Brown, ruled out the inclusion of residential property in Self-Invested Personal Pensions. (SIPPs)

This u-turn came as a surprise to the finance industry who had been preparing for April 6th "A – day" and the new pensions legislation for some time.

It is thought that the Chancellor removed residential property from SIPPs in response to concerns about investors buying up rural property for holiday homes. In many rural communities, there is a shortage of affordable housing for

local people. The only way to exclude holiday homes from SIPPs was to rule out the inclusion of all residential property.

Some financial analysts are welcoming the exclusion of residential property from SIPPs as they feel that the key to good investing is to diversify, not just investing in one option.

Letwise, with accountants Chiene & Tait, have put together a SIPPs briefing paper to help answer many of the questions you may have.

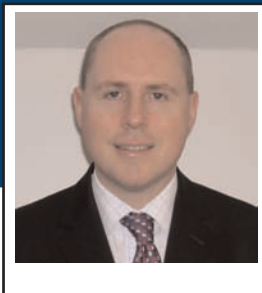
A copy can be downloaded from www.edinburgh.gov.uk/letwise

Queen Margaret University College - relocation update

Queen Margaret University College have discovered that the Gateway Theatre on Leith Walk which is home to their drama department needs repairs costing more than £3m and have decided to sell up. The proceeds from selling this site will be put into the new campus being built at Craighall near Musselburgh.

The new campus will open in 2007.

PRIVATE RENTING PROFILE ORCHARD AND SHIPMAN



Orchard & Shipman plc have been contracted by the City of Edinburgh Council to find and manage up to 1,500 properties from private landlords over the next five years in order to help the Council increase its range of housing options.

The Council are looking for self-contained flats and houses from private landlords which will be used to house individuals and families in housing need. Orchard & Shipman manage the scheme on the Council's behalf.

If you have a suitable property, the scheme guarantees the following:

- 3 to 5 year leases
- Guaranteed rent, paid quarterly in advance
- No voids – rent paid whether the property is occupied or not
- No agency fees
- Free property management/inventory
- Property returned in same condition, save fair wear and tear

Orchard & Shipman are a property services group with a specialist Community Housing division set up to manage schemes of this type. In addition to the contract with the City of Edinburgh Council the company has been successfully managing substantial contracts with local authorities in Greater London for the past 3 years.

There has been a very high level of interest in the Edinburgh scheme and by the end of January 2006 nearly 200 properties had been

found. Properties in all areas of the city are considered.

Orchard & Shipman's Director of Community Housing Scotland is Andrew Morrison who has extensive experience in the management of social housing in the Lothians.

If you would like more information about Orchard & Shipman or the private sector leasing scheme, please contact Orchard & Shipman plc at Suite 303, 47 Timber Bush, Edinburgh EH6 6QH. Tel. 0131 555 7781 or e-mail:

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Unfair Tenancy Terms

The Office of Fair Trading's booklet 'Unfair Tenancy Terms' highlights some of the hidden traps in tenancy agreements.

Leases must not use terms that are unfair and take away someone's legal rights, even if they are written into the contract.

For example, a term would be unfair if it asked tenants to pay for repairs that were the landlord's responsibility. Other examples of unfair terms could be stating that the landlord has complete discretion to decide how much a deposit can be kept at the end of

LEGISLATION UPDATE

Maximum fine for flouting HMO laws increased

The Housing Act (Scotland) 2006 has introduced new legislation which quadruples the maximum penalty for landlords letting flats without a house in multiple occupancy (HMO) licence. Between October 2003 and December 2005 there have been four successful prosecutions and there are a further six prosecutions pending. The fine has now been increased from £5,000 to £20,000.



the tenancy, or a term that allows the landlord freedom to enter the premises without giving reasonable notice when there is not an emergency.

Tenancy agreements should be written in a clear and easy to understand way. They should not use legal jargon.

For more information on the 'Unfair Tenancy Terms' booklet see:

www.oft.gov.uk/News/Press+releases/Consumer+alerts/tenancy.htm

Letwise run a training course on Tenancy Agreements and a model lease is available on our website www.edinburgh.gov.uk/letwise

10

TOP TEN WEBSITES

The web is a great source of information for landlords, but finding what you're looking for can be time consuming. Here's 10 websites that we think you'll find useful. More links can be found on our website at

www.edinburgh.gov.uk/letwise

- 1** www.betterrenting.com
This Scottish Executive site provides information to landlords including updates on landlord registration, the Housing Act and information on HMO's
- 2** www.scottishlandlords.com
The Scottish Association of Landlords is an essential source of help and information to all private landlords.
- 3** www.edinburgh.gov.uk/ela
Edinburgh Landlord Accreditation is the fastest growing landlord accreditation scheme in the UK.
- 4** www.edinburgh.gov.uk/CEC/Finance/Corporate_Finance/LHARates/Rates.html
For details on Local Housing Allowance rates.
- 5** www.scotland.gov.uk/Topics/Housing/Housing/16193/4419
Private Sector Section of the Scottish Executive's site has details for the Rent Assessment Committee and the Rent Registration Service.
- 6** www.orchard-shipman.co.uk
Orchard and Shipman PLC manage Edinburgh's private sector leasing scheme providing guaranteed rent to landlords.
- 7** www.hmrc.gov.uk
HM Revenue & Customs (HMRC). For information on Self Assessment, Stamp duty and Capital Gains Tax.
- 8** www.landlordregistrationscotland.gov.uk
Details about landlord registration and online registration.
- 9** www.myedinburgh.org
My Edinburgh's content is provided daily from people throughout the city of Edinburgh. The site also lists trades people.
- 10** www.disclosurescotland.co.uk
Landlord Registration comes into force on 30th April 2006. This site has information about spent/unspent convictions and you can apply for a "Basic Disclosure" on line.

Edinburgh
Landlord
Accreditation

ELA

WHAT'S NEW FOR ACCREDITED LANDLORDS?

ELA is the fastest growing accreditation scheme in the UK. We now have 163 accredited landlords and letting agents who manage more than 5,000 properties between them.

Edinburgh Landlord Accreditation (ELA) is a joint initiative from the Scottish Association of Landlords and the City of Edinburgh Council. ELA works alongside private landlords and letting agents to promote well-managed property in Edinburgh's private rented market.

Membership gives you a marketing advantage that helps you stand out from your competition. It can help raise your profile and reputation as a good landlord. From the end of March accredited landlords will also be able to advertise their properties on our website www.edinburgh.gov.uk/ela

You also qualify for discounts on items such as landlords' insurance and electrical appliances from Scottish Hydro Electric.

Applying for membership is a quick and easy process. If you comply with the Code of Standards, you qualify for accreditation.

Contact us on 0131 529 7278 for an application form, or you can download one from our website:

www.edinburgh.gov.uk/ela

in brief

Civil Partnership Act 2004

With the first civil partnership ceremonies conducted this year landlords need to be aware that civil partners have the same rights as spouses. Previously the Matrimonial Homes (Family Protection) (Scotland) Act 1981 only applied to married people and to a lesser extent, opposite sex cohabitants. The Act protects a partner from eviction who is not named on the lease when the tenant partner has left their shared home.

The Civil Partnership Act 2004 generally extends the provisions of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 to same sex couples in civil partnerships.

HELP! *

In this section we get the experts to answer any questions or concerns you may have.

Dear Inside Letting,

I have looked at the model tenancy agreement on your web site. I am concerned that it may be invalid if it is filled out and signed in its current form. As I understand the position, at least one of the signatories to such a document must sign before the end of the last page of the document. A separate page for signatures is not considered to be part of the document itself unless it contains some part of the text of the document. If there are multiple signatories, it is acceptable for some of them to sign on a separate page, but at least one must sign as I have described above, before the end of the last page of the document

Dear Landlord

Technically you are correct that at least one of the signatures should form an integral part of the tenancy agreement. This is part of the Requirements of Writing (Scotland) Act 1995. We consulted with the solicitors who deliver our training courses on tenancy agreements and recovery of possession and were advised this was not a major failing of our model tenancy agreement. They considered it highly unlikely that the validity of the lease would ever be challenged on this basis.

I have however noted your comments and we have altered the formatting of our model

tenancy agreement to include at least one tenants' signature on the last page of text.

This revision is now available on our website www.edinburgh.gov.uk/letwise or we can post or email a copy on request. Landlords who are using the existing version should not be unduly concerned.

Do you have a question you'd like answered?

Contact us on 0131 529 7454 or email insideletting@edinburgh.gov.uk

HMO licensing

The Housing (Scotland) Act 2006 introduces a general requirement for local authorities to grant three year licences for HMO properties. If a local authority has a specific reason to request a shorter licence this must be justified, and must be for a minimum period of over six months. It is anticipated these changes will come into effect in 2007, however no commencement schedule has been provided by the Scottish Ministers.

Following customer consultation, the City of Edinburgh Council is currently moving toward this, and as a preliminary stage has introduced a phased licensing

scheme. This means that all renewal applications which expired on 31st December 2005 will have been given a renewal period of between 13 and 24 months, and applicants will be asked to renew their licence at the end of the designated renewal period.

The key benefit of this for landlords is that there is no bulk processing of applications at the end of a calendar year, enabling the Council to provide a much improved service. It has also been possible to geographically group applications. It is hoped this will allow a more efficient inspection and reporting process and will be beneficial to applicants when booking inspections and dealing with site notices.

