

Private Landlord's Checklist

This checklist sets out all the legal duties landlords in the Private Rented Sector must keep to, as well as general best-practise recommendations.

Registration

By law, you must register as a landlord. You can apply online at Scottish Landlord Register or by contacting the Landlord Registration team on 01294 324305.

Property Condition

The 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;

A house meets the Tolerable Standard if it:

- is structurally stable
- is substantially free of rising or penetrating damp
- has satisfactory natural and artificial lighting, satisfactory ventilation and heating
- has satisfactory thermal insulation
- has an adequate piped supply of clean water available within the house
- has a sink with a satisfactory supply of both hot and cold water within the house
- has a toilet available in the house in a suitable place, which is not shared by other households
- has a fixed bath or shower and a wash-hand basin, each with a satisfactory supply of both hot and cold water and suitably placed within the house
- has an effective system for draining foul water (including sewage) and rainwater
- has an electricity supply, and all electrical installations keep to the relevant requirements, and are adequate and safe (installations

include wiring and associated parts or fittings, but not equipment and appliances)

- has satisfactory facilities for cooking food within the house, and
- has satisfactory access to all outside doors and outbuildings.
- has satisfactory equipment, which meets legislative requirements, for detecting smoke/fire/ carbon monoxide and giving warning in the event of fire or suspected fire.

To meet the Tolerable Standard, a property must meet all of these conditions. If it fails to meet just one condition, it has failed the Standard.

Repairing Standard

By law, a privately rented property must meet the Repairing Standard as follows:

A house meets the repairing standard if:

- it is wind and watertight (so is free from draughts and water leaks) and reasonably fit for people to live in
- the structure and outside of the house (including drains, gutters and outside pipes) are in a reasonable state of repair and in proper working order
- the installations in the house for supplying water, gas and electricity and for sanitation, heating and water heating are in a reasonable state of repair and in proper working order
- any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order
- any furnishings provided by the landlord under the tenancy can be used safely for the purpose for which they are designed
- meets the statutory Tolerable Standard

Property Safety

- In order to ensure compliance with Gas Safety, Fire Safety and Electrical Safety the landlord must ensure that the following criteria are met:
 - 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.
 - 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.
 - 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.
 - You must keep electrical safety certificates for at least six years.
- Permissions Mortgage If you have a mortgage on your property, get your mortgage provider's permission before renting out the property. Failure to do so may incur additional costs to your repayments.

Insurance

- You must tell your insurer that you plan to rent out the property and consider taking out Landlord insurance. Documents you need before renting out the property:

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. 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 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. The 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.
 - 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
 - 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 working days of the beginning of the tenancy. You should also give the Tenant details of the scheme that you are using to hold the deposit.

Ending a Tenancy

Notice To Quit

- If you have a Short Assured Tenancy please visit [Short assured tenancies](#)
- For Private Residential Tenancies please visit [Private Residential Tenancies](#)

If you would like more information about the rights and responsibilities of landlords, or have any questions about housing matters please email the Private Sector Team, visit our website or telephone 01294 324644.

Housing Services Private Sector Advice Team

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