

REPAIRING STANDARD

Landlords are responsible for ensuring that their property complies with the Repairing Standard both at the start of the tenancy, and at all times during the tenancy. A house meets the Repairing Standard if:

- It is wind and watertight.
- Any furnishings provided by the landlords under the tenancy can be used safely.
- The house has satisfactory provision for detecting fires and giving warning if carbon monoxide is present.
- The below are all in a reasonable state of repair and in proper working order:
 - The structure and exterior of house.
 - The installations in the house for the supply of water, gas and electricity, sanitation, space and water heating.
 - Any fixtures, fittings and appliances provided by a landlord under the tenancy.

HOUSES IN MULTIPLE OCCUPATION (HMO)

An HMO is a property occupied by three or more tenants who are not members of the same family (or one or other of two families). The accommodation must be licensed from the local council.

The local authority sets the standards required and also sets the fees charged for a licence application. It is a criminal offence to operate an HMO without a licence. The maximum fine is £50,000.

 This leaflet applies only to Scotland

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**LET'S
MAKE
IT SAFE**

LANDLORD AND TENANT GUIDE

DISCLAIMER

These notes attempt to summarise complex legal issues but have been written in plain English. Details of where to obtain full copies of relevant legislation has been provided.

ARLA can take no responsibility for loss occasioned to any person acting or refraining from acting as a result of any material contained in this publication.



INTRODUCTION

Landlords must keep the property you live in safe and free from health hazards. Here are things for landlords and tenants to consider:

GAS SAFETY

Landlords are legally responsible for the gas safety of their properties. They must:

- Make sure gas equipment they supply is safely installed and maintained by a Gas Safe registered engineer
- Have a registered engineer do an annual gas safety check and/or service on each appliance and flue, such as a boiler or gas fire
- Give a copy of the Gas Safety Record to each of the ingoing tenants before they move in and for any subsequent renewals, within 28 days of certification

Tenants should ask their landlord or letting agent to show them how to turn off the gas supply in case of a gas leak.

WARNING!

If anyone smells gas, feels unwell or suspects Carbon Monoxide they should contact the Gas Emergency number on 0800 111 999.



ELECTRICAL SAFETY

From 1 December 2015 it is a legal requirement for landlords to carry out electrical safety inspections for all new tenancies (it applies to existing tenancies from 1 December 2016). There are two parts, an inspection of installations, fixtures and fittings and a record of testing of appliances provided by the landlord.

- Tenants must be given a copy of the inspection when it is done (new tenants must be given a copy of the most recent)
- Tests must be carried out at least every five years
- Landlords should ensure tests are carried out by a competent person

SMOKE ALARMS

By law, your landlord must provide fire-detection equipment for your property. There should be at least:

- One working smoke alarm in the room which is frequently used by tenants for daytime living purposes.
- One functioning smoke alarm in every circulation space, such as hallways and landings.
- One heat alarm in every kitchen
- All alarms should be interlinked.

A smoke alarm installed from 3 September 2007 must be mains powered. All battery-powered fire alarms should be hardwired when they are replaced.

Landlords should ensure that smoke and heat alarms are regularly maintained in accordance with the manufacturer's recommendations. Tenants should test alarms on a weekly basis.

CARBON MONOXIDE DETECTORS

From 1 December 2015 landlords must ensure that all properties they let to tenants have a carbon monoxide detector fitted regardless of when the tenancy started.

Landlords should have a long-life battery or mains-powered detector (which complies with British Standards and European directives) in each room housing a carbon based fuel appliance (excluding those used solely for cooking) and in any living room or bedroom if a flue from these appliances runs through it.

Landlords cannot be held responsible for ensuring that detectors are in full working order throughout the tenancy if they have not been notified by the tenant or otherwise know that there is a problem.

FURNITURE AND FURNISHINGS

The Furniture and Furnishings (Fire) (Safety) Regulations 1988* set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery.

They should pass the "smouldering cigarette" and "match flame" resistance test and carry a label confirming this. Generally, items manufactured in the UK after 1990 are likely to meet the required standards and display the appropriate permanent label confirming its compliance. **

If items do not comply they should be removed from the property before it is let.

LEGIONELLA

Legionnaires' is a pneumonia like disease commonly caused by the inhalation of small droplets of contaminated water. Landlords must assess and control the risk of exposure of tenants to legionella. Control measures can include:

- Flushing out the water system before letting the property
- Ensure cold water tanks have a tight lid to stop debris getting into the system
- Setting control parameters to ensure water is stored at the correct temperature
- Remove any unused pipework

Tenants should be kept informed of any control measures, regularly clean shower-heads and tell the landlord if problems occur with the water system or if the water is not heating properly. On returning to the property after a period of absence tenants should run taps thoroughly.

Records of assessments should be kept and follow up checks need to be carried out periodically. Further advice is available from the Health & Safety Executive, go to hse.gov.uk/legionnaires.

SOURCES, PUBLICATIONS AND LEGISLATION:

- Control of Substances Hazardous to Health Regulations 1989; Section 3(2) of the Health and Safety at Work Act 1974
- The Furniture and Furnishings (Fire Safety) Regulations
- Gas Safety (Installation and Use) Regulations 1998
- Housing (Scotland) Act 2006.
- Housing (Scotland) Act 2014.
- Private Rented Housing (Scotland) Act 2011
- The Scottish Government Tenant Information Pack (Revised 2016)

USEFUL CONTACTS

Citizens Advice
0800 800 9060

Money Advice Service
0800 138 7777

USEFUL WEBSITES

Citizens Advice
www.cas.org.uk

ARLA's Tenant Guides
arla.co.uk/info-guides/tenant-guides

ARLA's Information for Landlords
arla.co.uk/info-guides/info-for-landlords

Private Rented Housing Panel
prhpscotland.gov.uk

Gas Safe Register
gassaferegister.co.uk

Electrical Safety First
electricalsafetyfirst.org.uk

Health and Safety Executive (HSE)
hse.gov.uk

