



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 4

RENT

[^{F1}CHAPTER 2A

RENT VARIATION INSTIGATED BY LANDLORD'S APPLICATION TO RENT OFFICER

[^{F1}33B Rent officer's power to apply rent increase above permitted rate

- (1) Where a rent officer receives an application under [section 33A\(1\)](#), the rent officer must decide whether the following conditions are met—
 - (a) the rent officer is satisfied that the landlord's prescribed property costs that are specified in the application have increased during the relevant period, and
 - (b) the rent officer is satisfied that the amount of the proposed increase to the rent payable under the tenancy represents no more than 50% of the increase in the landlord's prescribed property costs incurred during the relevant period as specified in the application.
- (2) If both conditions mentioned in [subsection \(1\)](#) are met, the rent officer must make an order stating that from the effective date the rent under the tenancy is the lower of—
 - (a) the proposed rent, or
 - (b) the rent payable under the tenancy as increased by [^{F2}6%].
- (3) If either or both of the conditions mentioned in [subsection \(1\)](#) is or are not met, the rent officer may make an order stating that from the effective date the rent payable under the tenancy is the rent determined by the rent officer.
- (4) In determining the rent under [subsection \(3\)](#), the rent officer—
 - (a) may not determine that the rent payable under the tenancy from the effective date is an amount that would be an increase to the rent payable under the tenancy of more than an amount representing 50% of the increase in the

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landlord's prescribed property costs incurred during the relevant period as specified in the application under [section 33A\(1\)](#), and

- (b) in any event, may not determine that the rent payable under the tenancy from the effective date is more than the rent payable under the tenancy as increased by [^{F3}6%].

(5) For the purpose of [subsection \(2\)](#) or [\(3\)](#), the effective date is—

- (a) where the rent officer makes the order under either of those subsections 14 days or more before the original effective date, the original effective date,
 (b) otherwise, the first payment date falling at least 14 days after the day on which the rent officer makes the order.

(6) In this section—

“original effective date” is the day after the expiry of the period of three months beginning with the day on which notice is given to the tenant under [section 33A\(3\)](#),

“payment date” means a date on which a rent payment falls to be made in accordance with the terms of the tenancy.]

Textual Amendments

- F1** Pt. 4 Ch. 2A treated as inserted (temp.) (28.10.2022) by virtue of [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 1 para. 1\(1\)\(17\)](#) (with ss. 1(2), 6, 7, 8) (as amended: (1.4.2023) by S.S.I. 2023/82, regs. 1(3), [2\(2\)](#); and (27.9.2023) by S.S.I. 2023/275, regs. 1(2), [2\(2\)](#))
- F2** Word substituted in s. 33B(2)(b) (in so far as that provision is treated as inserted (temp.) by 2022 asp 10, sch. 1 para. 1(17)) (1.4.2023) by [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Amendment of Expiry Dates and Rent Cap Modification\) Regulations 2023](#) (S.S.I. 2023/82), regs. 1(3), [4\(3\)](#) (with reg. 5(3))
- F3** Word substituted in S. 33B(4)(b) (in so far as that provision is treated as inserted (temp.) by 2022 asp 10, sch. 1 para. 1(17)) (1.4.2023) by [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Amendment of Expiry Dates and Rent Cap Modification\) Regulations 2023](#) (S.S.I. 2023/82), regs. 1(3), [4\(4\)](#) (with reg. 5(3))

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