

SCHEDULE 2

Regulation 3

RENT-INCREASE NOTICE

LANDLORD'S RENT-INCREASE NOTICE TO TENANT(S) UNDER SECTION 22(1) OF THE PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016

Important information for the Tenant(s) - Please read this notice carefully.

Advice - If you have questions about this notice, speak to your landlord or contact one of the following:

- your local council
- Shelter Scotland
- your local Citizen's Advice Bureau
- a solicitor (you may be able to get legal aid depending on your income)

This notice informs you, as a Tenant, that your Landlord wants to increase the rent for your private residential tenancy. The new rent will start from the date shown in Part 2 of this notice unless you take one of the following actions:

1. reach an agreement with your Landlord to further delay the rent increase.
2. refer this notice to a Rent Officer for a rent determination, using the specific referral to a Rent Officer form, within 21 days of receiving this notice. This option is not available if the Let Property is located in a rent pressure zone.
3. can prove that your Landlord did not give you enough notice of the increase.

You must complete Part 3 of this form and return it to your Landlord. If you do not do this, the rent increase will start from the date shown in Part 2 of this notice.

If you apply to a Rent Officer to challenge the proposed increase to your rent the Rent Officer can increase as well as reduce your rent.

Part 1 - THE TENANT AND THE LET PROPERTY (this part must always be completed by the Landlord)

Tenant(s) name(s): _____

Let Property (the Tenant(s) address): _____

Is the Let Property mentioned above located in a Rent Pressure Zone (RPZ)?

- No (Landlord to complete Part 2a only)
- Yes (Landlord to complete both Part 2a and Part 2b)

Part 2a - THE PROPOSED RENT INCREASE (this part must always be completed by the Landlord)

This gives you notice that: (name of Landlord(s)) _____

of: (address of Landlord(s)) _____

proposes to increase your rent from £ _____ per *week/fortnight/4 weeks/month/quarter/year

to a new rent of £ _____ per *week/fortnight/4 weeks/month/quarter/year for your tenancy at the address in Part 1.

The new rent is to take effect from: (insert date) _____

The last time your rent was increased was: (insert date: (if appropriate)) _____

I confirm that the date the new rent will start from is at least 12 months after any previous rent increase.

Signed: (Landlord/Landlord's agent) _____

Date: _____

Address of Landlord's agent (if appropriate): _____

Part 2b - IF THE LET PROPERTY IS IN AN RPZ

Only complete this section if the Let Property is in an area which has been designated by the Scottish Ministers as a Rent Pressure Zone.

The Let Property in Part 1 of this form is in a Rent Pressure Zone. This means that the Scottish Ministers have set a cap on the maximum amount by which your rent can be increased. This is because rents in your area are rising too much, causing difficulties for existing tenants and having a negative effect on the local authority's housing system.

The new proposed rent amount outlined in Part 2 must not be more than the rent cap set by the Scottish Ministers.

Changes to legislation: There are currently no known outstanding effects for the The Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017, SCHEDULE 2. (See end of Document for details)

The following equation has been used by the Scottish Ministers to set the cap for the area that you live in:

$$R \times \left(1 + \frac{CPI + 1 + X}{100}\right) + Y$$

In the above equation:

- R is the amount of rent payable before the rent increase.
- CPI is the percentage change (if any) in the consumer prices index over the period from the day of your last rent increase or, if your rent has not been increased before, from the day your tenancy began.
- X is the number of percentage points decided by the Scottish Ministers and set out in regulations.
- Y is the amount (if any) that your Landlord can charge you as a result of improvements made to the Let Property. Only a Rent Officer can decide how much can be inserted above for 'Y'. If a figure greater than zero has been added below for 'Y', a copy of the Rent Officer's decision must accompany this notice which confirms that amount.

For example, if:

- R = £800 (rent amount payable before the rent increase)
- CPI over the period is 0.6%
- X is set by the Scottish Ministers at 2%
- Y is £30

The calculation would look like this:

$$£800 \times \left(1 + \frac{0.6 + 1 + 2}{100}\right) + £30 = \text{new rent of } £858.80 \text{ per month}$$

When you add in the actual amounts for each of the letters above, the equation used to calculate your rent increase looks like this:

$$£ \quad \quad \times \left(1 + \frac{\quad \quad + \quad \quad + \quad \quad}{100}\right) + £ \quad \quad = \quad \quad$$

(insert the appropriate figures into this equation to calculate the cap that will apply for the area you live in)

The above cap is in force from _____ to _____
(insert dates cap is in place)

Part 3 – TENANT'S RESPONSE TO THE PROPOSED RENT INCREASE
(This part should be completed by the Tenant(s) and returned to the Landlord. If this isn't done, the rent increase will take effect from the date shown in Part 2 of this notice)

To: (Landlord/Landlord's letting agent): _____

From: (name of the Tenant(s)): _____

of: (address of Let Property): _____

[I/We] acknowledge receipt of the rent-increase notice dated _____ and give you notice that:

- *I/We accept the new rent to apply from: (insert date) _____
- *I/We accept the new rent, but have not been given sufficient notice. I/we can provide evidence that I/we did not receive the rent-increase notice until: (insert date) _____

Therefore, the rent increase cannot take effect until _____ (insert date).

- *I/We do not accept the new rent to apply from _____ (insert date) and propose to make a referral to a Rent Officer for a determination of the open market rent. **YOU CANNOT CHOOSE THIS OPTION IF THE LET PROPERTY IS IN A RENT PRESSURE ZONE.**

Signed: (Tenant(s)/Tenant's agent): _____
If the tenancy is a joint tenancy all Tenants (or their agents) must sign.

Date: _____

Address of Tenant's agent(s) (if appropriate): _____

If you do not complete and return this part of the form to your Landlord, the rent increase will take effect from the date shown in Part 2 of this notice.

This is an important document. You should make a copy for your own records before returning this section to your Landlord.

[* delete 'I' or 'We' as appropriate]

Changes to legislation:

There are currently no known outstanding effects for the The Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017, SCHEDULE 2.