

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 3

Regulation 4

FORMAT2: FOR USE ONLY BY A LANDLORD

ASSURED TENANCIES

AT2

HOUSING (SCOTLAND) ACT 1988

NOTICE BY LANDLORD UNDER SECTION 24(1) OF AN INCREASE OF RENT UNDER AN ASSURED TENANCY

This version of this form is in place until such time as section 1 and schedule 1 of the Cost of Living (Tenant Protection) (Scotland) Act 2022 is suspended or expired.

Scottish Ministers have temporarily set a cap on the maximum amount by which rent can be increased within a tenancy via the Cost of Living (Tenant Protection) (Scotland) Act 2022. This notice has been updated to take account of the permitted rate (also known as the "rent cap") for the private rented sector. The rent cap is temporary and will remain in place until such time as it is suspended or expired.

Further information on the emergency measures introduced by the Cost of Living (Tenant Protection) (Scotland) Act 2022, including the cap on within-tenancy rent increases, is available on the Scottish Government website: - www.gov.scot/publications/rent-cap-private-landlord-guidance/pages/summary/

IMPORTANT: INFORMATION FOR THE TENANT(S) - Please read this notice carefully before responding

This notice informs you as the tenant(s) that your landlord wishes to increase the rent for your assured tenancy.

The new rent will take effect unless you reach an agreement with your landlord that the rent should be a different amount or you can prove that your Landlord did not give you enough notice of the increase. The new proposed rent amount outlined in Part 2 must not be more than the rent cap set by the Scottish Ministers.

If you believe you have been issued with a rent increase notice above the permitted rate, you can refer the rent increase notice to the Rent Officer (part of Rent Service Scotland) to confirm whether the proposed rent increase is in line with the rent cap using form AT4.

If you do refer this notice to the Rent Officer you must do so **within 21 days** of receiving this rent increase notice. If the proposed rent increase is above the permitted rate, the Rent Officer will make an order increasing the rent in line with the permitted rate.

You should give your landlord your response to the proposed new rent by returning Part 3 of this notice to the Landlord.

<p>NOTE 1 TO TENANT. YOUR LANDLORD MUST GIVE YOU THE CORRECT AMOUNT OF NOTICE OF A RENT INCREASE APPLICABLE TO YOUR TENANCY.</p>

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Part 1 To

.....
(name of tenant(s))

of

.....
.....
.....
(address of tenant(s))

Part 2. This gives you notice that
(name of landlord)

of
.....
.....
(address of landlord)

proposes to charge a new rent of £
[per year]* [per month]* [per week]* for your tenancy of the house at the address in Part 1.

The new rent is to take effect from (date)

Signed (Landlord(s)/Landlord's Agent)

Date

Address of Agent (if appropriate)
.....
.....

*delete as appropriate.

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IMPORTANT: FOR THE ATTENTION OF TENANT(S) NOTES 2 TO 4

2. A LANDLORD MAY PROPOSE A NEW RENT BY THIS MEANS ONLY IF THE TENANCY IS NOT AN EXEMPT TENANCY AS DEFINED BY THE NEW SECTION 23A(6) OF THE HOUSING (SCOTLAND) ACT 1988. IF YOU ARE IN DOUBT ABOUT WHAT KIND OF TENANCY YOU HAVE YOU SHOULD CONSULT A SOLICITOR OR AN ORGANISATION WHICH GIVES ADVICE ON HOUSING MATTERS

3. THE PROPOSED NEW RENT WILL TAKE EFFECT ON THE DATE SPECIFIED UNLESS YOU REACH SOME OTHER AGREEMENT WITH YOUR LANDLORD OR UNLESS YOU CAN PROVE YOUR LANDLORD DID NOT GIVE YOU ENOUGH NOTICE OF THE INCREASE.

4. IF YOU BELIEVE THAT THIS RENT INCREASE WOULD BE IN EXCESS OF THE PERMITTED RATE AND YOU DECIDE TO REFER THIS NOTICE TO THE RENT OFFICER YOU MUST DO SO USING FORM AT4 (OBTAINABLE FROM RENT SERVICE SCOTLAND, CITIZENS ADVICE BUREAU OR HOUSING ADVISORY CENTRE). APPLICATION SHOULD BE MADE TO RENT SERVICE SCOTLAND.

IMPORTANT: FOR THE ATTENTION OF TENANT(S) NOTES 5 TO 7

5. YOUR LANDLORD CANNOT INCREASE YOUR RENT BY THIS METHOD MORE OFTEN THAN ONCE EVERY 12 MONTHS.

6. DETACH PART 3 AND RETURN IT TO YOUR LANDLORD AS SOON AS POSSIBLE. HOWEVER IF YOU WISH TO DISCUSS THE PROPOSED NEW RENT WITH YOUR LANDLORD **DO NOT** COMPLETE PART 3 NOW. **BUT REMEMBER** IF YOU DECIDE TO REFER THE NEW RENT TO THE RENT OFFICER OR SEEK TO REACH SOME OTHER AGREEMENT WITH YOUR LANDLORD YOU MUST DO SO WITHIN 21 DAYS OF RECEIVING THIS NOTICE.

7. THIS IS AN IMPORTANT DOCUMENT AND IT SHOULD BE KEPT IN A SAFE PLACE.

Part 3. (This part is for the use of the tenant).

To
(landlord/landlord's agent)

*I/We acknowledge receipt of the notice AT2 dated20..... and give you notice that

*I/We accept the new rent to apply from
..... 20.....

*I/We do not accept the new rent to apply from
..... 20.... and

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propose to refer the matter to the Rent Officer as I/we believe it is above the rent cap.

Signed (Tenant/Tenant's agent)

(If the tenancy is a joint tenancy all tenants or their agents should sign)

Date

Address of tenant's agent(s) (if appropriate)

.....
.....
.....

*delete as appropriate.