



Private Housing (Tenancies) (Scotland) Act 2016 2016 asp 19

PART 4

RENT

CHAPTER 3

RENT PRESSURE ZONES

Improvements to let property

42 Rent officer's power to allow rent rise in consequence of improvement

- (1) On an application by the landlord under a private residential tenancy, a rent officer is to determine the amount (if any) by which the rent payable under the tenancy may be increased in consequence of an improvement made to the let property.
- (2) The rent payable under a tenancy may not be increased by virtue of a determination made in respect of an improvement which was completed before—
 - (a) the tenancy was granted, or
 - (b) if the rent payable under the tenancy has changed previously, the day on which it last changed.
- (3) The rent payable under a tenancy may not be increased more than once by virtue of a single determination.
- (4) In subsection (1), “improvement” does not include anything done to the let property—
 - (a) which is paid for in whole or in part by the tenant, or
 - (b) by way of repair, maintenance or decoration.
- (5) In a case where two or more persons jointly are the tenant under a tenancy, the reference to the tenant in subsection (4)(a) includes any one of them.

43 Further provision about making and determining an application under section 42

- (1) An application under section 42(1) must be made—
 - (a) in such form as may be prescribed by the Scottish Ministers in regulations,
 - (b) to a rent officer for the area in which the let property in question is situated.
- (2) On receiving an application under section 42(1), a rent officer must send a copy of it to the tenant concerned.
- (3) Before making a final determination under section 42, a rent officer must send—
 - (a) to both the landlord and tenant concerned a draft of the determination which the rent officer proposes to make,
 - (b) to the tenant a copy of any timeous representations received from the landlord in relation to the draft determination.
- (4) In making a determination under section 42, a rent officer must—
 - (a) follow any guidance published by the Scottish Ministers which sets out for the purposes of that section—
 - (i) what does, and does not, constitute an improvement made to a let property, and
 - (ii) the amount by which the rent payable under a tenancy may be increased in consequence of a particular improvement, or the methodology by which the assessment of that amount is to be made, and
 - (b) have regard to any timeous representations received from the landlord or tenant concerned.
- (5) For the purposes of subsections (3)(b) and (4)(b), representations are timeous if they are sent to the rent officer by—
 - (a) the landlord within 14 days of the landlord receiving the draft determination sent in accordance with subsection (3)(a),
 - (b) the tenant—
 - (i) within 14 days of the tenant receiving the copy of the application for a determination in accordance with subsection (2), or
 - (ii) if the rent officer sends to the tenant a copy of representations received from the landlord in accordance with subsection (3)(b), not more than 14 days after the tenant received the copy of the landlord's representations.
- (6) In a case where two or more persons jointly are the landlord under the tenancy, references to the landlord in section 42 and this section are to any one of those persons.