



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 1

#### HOUSING STANDARDS

#### CHAPTER 7

##### RIGHT TO ADAPT RENTED HOUSES

### 53 Matters relevant to application to carry out work under section 52

- (1) The landlord may, in considering whether it is reasonable to consent to an application to carry out work in pursuance of section 52(2)(a) (or whether it is reasonable to impose a condition on such a consent), have regard to—
  - (a) the disabled person's disability,
  - (b) whether the work proposed is necessary for the purpose set out in section 52(2)(a),
  - (c) the safety of the occupiers of the house or of any other premises,
  - (d) any costs which the landlord is likely to incur, directly or indirectly, as a result of the proposed work,
  - (e) whether the proposed work is likely—
    - (i) to reduce the value of the house or of any other part of any premises of which the house forms part, or
    - (ii) to make the house or any other part of such premises less suitable for letting or for sale,
  - (f) whether, if the proposed work was to be carried out, the house could be reinstated to the condition it was in before it was carried out,
  - (g) any code of practice issued by the Disability Rights Commission which relates to this section or section 52.
- (2) The landlord may, in considering whether it is reasonable to consent to an application to carry out work in pursuance of section 52(2)(b) (or whether it is reasonable to impose a condition on such a consent), have regard to the matters mentioned in paragraphs (c) to (f) of subsection (1).

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*Status: This is the original version (as it was originally enacted).*

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- (3) A condition imposed under section 52(5)(b) may—
  - (a) specify the standard to which the work consented to must be carried out,
  - (b) require the tenant to reinstate the house at the end of the tenancy to the condition it was in before that work was carried out.
- (4) The landlord must, in considering whether to impose a condition under section 52(5)(b) as to the standard to which the proposed work must be carried out, have regard to—
  - (a) the age and condition of the house, and
  - (b) the likely cost of complying with the condition.
- (5) It is reasonable for a landlord to refuse to consent to an application to carry out work in pursuance of section 52(2), or to impose any condition on such a consent, if the carrying out of the proposed work or, as the case may be, failure to comply with that condition, would make the landlord susceptible under any enactment or rule of law to any sanction or other remedy.
- (6) Subsection (5) applies only where the landlord has taken reasonable steps for the purposes of acquiring the right to give consent or, as the case may be, not to impose the condition without making the landlord so susceptible.
- (7) The landlord may recover from the tenant any expenses incurred by the landlord in taking any such reasonable steps (regardless of the landlord's decision on the tenant's application).