



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

## PART 4

### RENT

#### [<sup>F1</sup>CHAPTER 2A

##### RENT VARIATION INSTIGATED BY LANDLORD'S APPLICATION TO RENT OFFICER

#### [<sup>F1</sup>33A Landlord application to rent officer to increase rent above permitted rate

- (1) A landlord under a private rented tenancy may make an application to the relevant rent officer to increase the rent payable under the tenancy by more than the permitted rate in order to recover up to 50% of the increase in any prescribed property costs that the landlord has incurred during the relevant period.
- (2) An application under [subsection \(1\)](#) must include—
  - (a) evidence of an increase in any prescribed property costs of the landlord incurred during the relevant period, and
  - (b) a statement of—
    - (i) the rent payable under the tenancy, and
    - (ii) the rent that would be payable under the tenancy if the proposed rent increase took effect (“the proposed rent”).
- (3) The landlord must give notice in writing to the tenant under the private residential tenancy of any application under [subsection \(1\)](#) which must include—
  - (a) a statement of the proposed rent,
  - (b) a statement that the proposed rent would be an increase to the rent payable under the tenancy of more than the permitted rate,
  - (c) a statement that the rent payable under the tenancy is not increased unless and until—
    - (i) the relevant rent officer makes an order determining the rent payable under the tenancy, or

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*Changes to legislation:* There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 33A. (See end of Document for details)

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- (ii) if the order is appealed to the First-tier Tribunal, the Tribunal makes an order determining the rent payable under the tenancy,
  - (d) a description of the prescribed property costs of the landlord that have increased during the relevant period prompting the proposed rent, and
  - (e) where an increase mentioned in [paragraph \(d\)](#) includes an increase in the landlord's service costs, details of the nature of the increase in the service costs and the amount.
- (4) In this Chapter, “prescribed property costs”, in relation to a landlord, are—
- (a) interest payable in respect of a mortgage or standard security relating to the let property,
  - (b) a premium payable in respect of insurance (other than general building and contents insurance) relating to the let property and the offering of the property for let,
  - (c) service charges relating to the let property that are paid for by the landlord but the payment of which the tenant is responsible for (in whole or in part) in accordance with the terms of the tenancy.
- (5) The Scottish Ministers may by regulations modify the list in [subsection \(4\)](#) so as to amend, remove or add to the matters for the time being mentioned in the list.
- (6) In this Chapter—
- “proposed rent” has the meaning given in [subsection \(2\)\(b\)\(ii\)](#),
  - “relevant period” means the period of 6 months occurring immediately before the day on which the application under [subsection \(1\)](#) is made,
  - “relevant rent officer”, in relation to a private rented tenancy, means the rent officer of the area in which the let property is situated.]

#### 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\(2\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 33A.