



# 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>33C Appeal to the First-tier Tribunal

- (1) Where a rent officer makes an order under [section 33B\(2\)](#) or [\(3\)](#) in relation to the rent payable under a private residential tenancy, the landlord or the tenant may appeal against the order to the First-tier Tribunal.
- (2) An order under [section 33B\(2\)](#) or [\(3\)](#) may not be appealed against more than 14 days after the order is made.
- (3) Where an appeal is made to the First-tier Tribunal under [subsection \(1\)](#), the First-tier Tribunal may make an order stating that from the effective date the rent payable under the tenancy is the rent determined by the First-tier Tribunal.
- (4) In determining the rent under [subsection \(3\)](#), the First-tier Tribunal—
  - (a) may not determine that the rent payable under the tenancy from the effective date is an amount that would be an increase to the rent payable under the tenancy of more than an amount representing 50% of the increase in the landlord's prescribed property costs incurred during the relevant period as specified in the application under [section 33A\(1\)](#), and
  - (b) in any event, may not determine that the rent payable under the tenancy from the effective date is more than the rent payable under the tenancy as increased by [<sup>F2</sup>6%].
- (5) For the purpose of [subsection \(3\)](#), the effective date is—

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

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- (a) where the First-tier Tribunal makes its order 14 days or more before the original effective date, the original effective date,
  - (b) otherwise, the first payment date falling at least 14 days after the day on which the First-tier Tribunal makes its order.
- (6) Making an appeal under [subsection \(1\)](#) renders the order under [section 33B\(2\)](#) or [\(3\)](#) that is being appealed against of no effect.
- (7) In this section—
- “original effective date” is the day after the expiry of the period of three months beginning with the day on which notice is given to the tenant under [section 33A\(3\)](#),
  - “payment date” means a date on which a rent payment falls to be made in accordance with the terms of the tenancy.]

#### 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\(2\)](#))
- F2** Word in s. 33C(4)(b) (in so far as that provision is treated as inserted (temp.) by 2022 asp 10, sch. 1 para. 1(17)) (1.4.2023) by [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Amendment of Expiry Dates and Rent Cap Modification\) Regulations 2023](#) (S.S.I. 2023/82), regs. 1(3), [4\(5\)](#) (with reg. 5(4))

**Changes to legislation:**

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