

## SCHEDULE

### Letting Agent Code of Practice

#### SECTION 3

#### *Engaging landlords*

#### **Before taking instructions**

**29.** In your dealings with potential landlord clients you must:

##### *Services provided and fee charges*

- (a) provide clear and up-to-date written information about the services you provide and the charges (inclusive of taxes) for them;

##### *Advice*

- (b) offer accurate and unbiased advice on the rental valuation and appraisal of the property. You must not knowingly misrepresent the potential rental valuation;
- (c) inform the landlord that they need to get consent or delegated authority from all owners, mortgage lenders or other relevant parties before letting the property and the need to ensure relevant insurance cover is in place;
- (d) if you become aware in the course of your business that a property does not meet appropriate letting standards (e.g. repairing standard, houses in multiple occupation and health and safety requirements), inform the landlord of this;
- (e) if a landlord is not already registered, inform them of the landlord registration requirements under the Antisocial Behaviour etc. (Scotland) Act 2004<sup>(1)</sup> and, where necessary, the requirements under the Housing (Scotland) Act 2006<sup>(2)</sup> relating to houses in multiple occupation;

##### *Conflict of interest*

- (f) if you intend to act for clients who have competing interests or your personal interests conflict, or could potentially conflict, inform the clients as soon as you become aware of it;

##### *Identity checks*

- (g) take reasonable steps to check the identity of each landlord to ensure that they are who they say they are and that they are the legal owners of the property or have permission from the owner or power of attorney – for instance, asking for an official form of identification; proof of address; proof of ownership and, where applicable, landlord registration number or company registration number.

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(1) 2004 asp 8.

(2) 2006 asp 1.