

SCHEDULES

SCHEDULE 5

Section 57(3).

TERMS OF SECURE TENANCY RELATING TO ALTERATIONS, ETC. TO HOUSE

- 1 —A secure tenant who wishes to carry out work shall serve on the landlord an application in writing for the landlord's consent, giving details of the work proposed to be carried out.
- 2 —In relation to an application under paragraph 1, the landlord may—
 - (a) consent;
 - (b) refuse consent, provided that it is not refused unreasonably; or
 - (c) consent subject to such reasonable conditions as the landlord may impose.
- 3 —The landlord shall intimate consent or refusal, and any conditions imposed, and in the case of refusal the reasons therefor, to the tenant in writing within one month of receipt of the application.
- 4 —In the event that the landlord fails to make intimation in accordance with paragraph 3 within the period therein mentioned, the landlord shall be deemed to have consented to the application.
- 5 —A tenant who is aggrieved by a refusal, or by any condition imposed under paragraph 2(c), may raise proceedings by summary application in the sheriff court of the district in which the house is situated.
- 6 —In proceedings under paragraph 5, the sheriff shall order the landlord to consent to the application or, as the case may be, to withdraw the condition unless it appears to him that the refusal or condition is reasonable.
- 7 —In deciding whether a refusal or a condition is reasonable the sheriff shall have regard in particular to—
 - (a) the safety of occupiers of the house or of any other premises;
 - (b) any expenditure which the landlord is likely to incur as a result of the work;
 - (c) whether the work is likely to reduce the value of the house or of any premises of which it forms part, or to make the house or such premises less suitable for letting or for sale; and
 - (d) any effect which the work is likely to have on the extent of the accommodation provided by the house.