

## Shelter Scotland: Position on the Pre-Action Requirements for the Private Rented Sector

Shelter Scotland welcomes the introduction of Pre-Action Requirements for the Private Rented Sector (PRS) to better protect tenants from eviction and increase the likelihood of tenants being able to keep their home. However, we would like to see the Pre-Action Requirements further strengthened, and have set out below what we would like to see:

- Landlords are only required by the Pre-Action Requirements to provide their tenants with information on where to access advice on financial support and debt management. **We consider that landlords should also be required to make reasonable efforts to help their tenants access this advice and support.**

This additional requirement for landlords would not be onerous and will also be to the benefit of landlords if tenants receive the right advice and support to help them manage rent payments. It is difficult for outside agencies to reach all tenants and it is the landlords who have direct contact with their tenants.

- The regulations do not define the extent to which landlords should weigh up whether it is reasonable to collect all of the previously agreed rent. **If the landlord wishes to evict a tenant, the landlord should be assessed on the extent to which they have offered their tenant reduced rent liability.** Either by writing off all or part of the accrued arrears or reducing future rent liability.
- Our understanding of the proposed legislation is that the tenant will not know what the landlord considers they have done to comply with the Pre-Action Requirements until the tribunal hearing itself. **We are therefore asking that the landlord has to set out in the application to the First Tier Tribunal what they have done to comply with the pre-action requirements, giving the tenant time to prepare and seek advice.**

**It should be compulsory for PRS landlords to have complied with the Pre-Action Requirements in order to have their eviction case considered by the First-Tier Tribunal.** If, when considering the application, the tribunal determines that the landlord has not followed the steps outlined in the Pre-Action Requirements, we do not believe any further action should be taken by the First Tier Tribunal, until such time as the landlord can demonstrate compliance.

**We are calling for these Pre-Action Requirements for the PRS to become part of permanent housing legislation after the emergency period.** Private landlords providing a home for a tenants should have to comply with these requirements permanently, especially as rent arrears accumulated during this pandemic period will last for a significant time beyond the period.

**The effectiveness of the Pre-Action Requirements should be assessed on an ongoing basis in order to allow for them to be accurately evaluated before being made permanent.**

**We are asking that the First-Tier Tribunal records and publishes relevant detailed data on how the Pre-Action Requirements are being used in eviction cases.**