



PUBLIC PETITION NO.

PE01447

Name of petitioner

Gerry McLellan

Petition title

Protection for Landlords

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to expedite the legal processes involved in removing tenants who are in breach of their tenancy agreement and to ensure landlords can recover any monies owed as quickly as possible.

Action taken to resolve issues of concern before submitting the petition

I have written to my own MP Russell Brown, several solicitors, legal aid, the Scottish Parliament and to other government agencies. I do not remember exactly which department I contacted, but I received assurances that it was illegal to not pay rent in Scotland. I have also written to the tenants companies informing them that their employees are in a position of responsibility and are dealing with money, even though they are not paying their rent owed to me. One ex-tenant is employed by a charitable organization and the other worked at a popular hamburger restaurant. One solicitor stated that they would only take on a case if the tenants were in employment. Another mentioned that it is extremely difficult, in practice, to get money from tenants. I have no idea when or, indeed, if I will see any of this money. The MP for Dumfries and Galloway was helpful and provided me with some contact details of local solicitors, but, as previously mentioned, it is difficult to find a lawyer willing to take on a case, and other solicitors ask for a fee of in excess of 500 pounds before doing anything. They also suggest that the outcome may not be favourable. As I do not have any money to pay for solicitors, I am at a loss as to what I should do. The ex-tenants were due to appear at the small claims court, but as they didn't show, I still have to wait for an outcome. In addition, I have to pay court and solicitor fees. I wrote to the court to enquire whether I might be able to sue ex-tenants without the aid of a solicitor and have yet to receive a reply.

Petition background information

This is necessary because too many people are now suffering due to lazy louts who truly believe they are entitled to move into other people's properties, trash them, stay as long as they want, and refuse to pay any money.

How can such a law exist?

The existing law, to the best of my knowledge, allows for tenants to remain in a property for two months after being informed that they have to leave. However, last year, I had a tenant overstay his welcome by almost six months. As my properties are run by a solicitor, I assume that she is better placed than I to understand the law. I understand, by reading various Internet articles that this problem is spreading. I have mortgages to pay and when these people refuse to pay their rent or, indeed, to leave the premises, I have to work harder to keep a roof over their heads. I feel that the problem is one of time. Solicitors should be empowered to provide eviction papers after rent hasn't been paid.

Clear guidelines should be in place to ensure that landlords do not lose money. What these people do not realize (even if they did they probably wouldn't care) is that I have children to feed and clothe. I worked hard to purchase the properties and I would like to keep them for my children. However, there are only so many hours in a day in which I can work. I fear that I may lose my properties due to the fact that people with a complete disregard for anything can live the good life.

Tenants sign a lease in good faith - usually a six month assured tenancy agreement. Why are they permitted to stay in another's property without making payment? In my own particular case, the tenants have taken photographs of themselves sitting with friends in bars and clubs enjoying the high life while I am working longer hours to ensure that the banks doesn't foreclose my mortgage. It really makes my blood boil! When asked to move they either refuse or leave the place in a mess, or stay until evicted. All three scenarios results with me losing money. As stated, one case went to court. However, the very same solicitors refused to take the previous tenants to court citing that I will never see any money. Am I simply supposed to shrug this off, forget about money owed? Each time a tenant leaves I invariably, am left to foot the bill for re-decorating the place and seeing to it that all the filth that was left behind is removed. As mentioned, other lawyers would accept the case of trying to retrieve money from ex-tenants, but they request money up front and inform me that the chances of seeing anything are slim.

Speedier evictions; a Scotland wide computer base of names of previously blacklisted tenants; more responsibility from guarantors and a letter of reference from previous landlords with the possibility of a star system (5 stars for excellence, etc.) might be a way to ensure more responsible behaviour from tenants. This might be instigated by a landlord association. Landlords are now required to register. Tenants should be afforded the same courtesy.

In addition, I'm sure most landlords would be willing to offer something in return for the assurances that monthly mortgages will be met and properties will not be trashed. This could take the form of a Christmas or end of lease refund of a certain amount of money. Tenants, in turn, would be forced to be more responsible. It does seem that they are being treated like kindergarten children. However, this is exactly the way they are behaving

Although I have been informed that laws are in place to protect landlords and tenants, I have been advised on several occasions that it would be pointless to try to retrieve any monies owed to me. Initially, the process of going to court is lengthy and expensive. Lawyers have to be paid. Finally, there is no guarantee that money will ever be returned, even if the tenants are found to be guilty.

I have been informed to forget about getting any money back as it is too costly. Some lawyers won't even try.

When I read stories about people being sent to prison for retrieving golf balls from a pond, I naturally feel outraged when tenants (squatters) steal from me, stay in my flats, wreck the place and laugh at me, all whilst my own children have to do without!

I have been caused quite a considerable amount of stress over this, and I can prove this as my yearly health check-up confirms above average levels of stress indicators. I am normally without stress, but because this has now happened so often, combined with the fact that I live so far away and feel absolutely helpless, I now feel the time has come to fight back, or at least to try to stop this happening again.

I have had a large number of tenants now who have overstayed their welcome by a considerable period of time. When they do leave, they invariably move on to another property and cause stress to another person. They are no more than social parasites, and something seriously has to be done to put an end to this kind of behaviour.

I try to keep my properties clean and I replace carpets, kitchens, heaters, windows, etc., when need be. Tenants enter a flat under false pretences and within a month or so, they stop paying rent. By the time I can get them out, I am more in debt. I cannot afford to pay to keep layabouts in accommodation.

Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01447>

Related information for petition

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

13 / 11 / 2012

Comments to stimulate online discussion

Why are landlords unable to evict tenants who refuse to pay rent and then use the property as a dumping site?

Why are the above mentioned tenants still afforded rights, whilst landlords have to suffer the extra stress of wondering when they will leave and what kind of condition the property will be in?

What would you expect if you owned a property and you were refused access to it due to the fact that another person had decided to take up residence?