



## Briefing for the Public Petitions Committee

**Petition Number:** [PE1447](#)

**Main Petitioner:** Gerry McLellan

**Subject:** Protection for Landlords

Calls on the 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.

### Background

The petitioner raises concerns regarding the time, expense and complexity involved in evicting a tenant. In particular he raises concerns regarding eviction for rent arrears. The petition is motivated by the experience of the petitioner as a landlord who has had three separate tenants refuse to pay rent and who have left the property in a state of disrepair.

The petitioner feels that the time required to evict a tenant is a major issue as this eats into landlord's monthly income. He suggests that solicitors may be unwilling to proceed with a case to recoup rent and additional repair costs as they would be unlikely to receive any money back, even if the tenants are found guilty. He also suggests that tenants should have to register in the same way that landlords now have to.

### Scottish Government Action

Lord Gill published a recommendations report as a result of the [Review of the Civil Courts system in Scotland](#) in September 2009. This review suggested the introduction of simplified Court procedures, more advice on legal rights and increased use of mediation. The Scottish Government is currently taking forward Lord Gill's recommendations.

The Scottish Government is also seeking to create a more targeted regulatory system and consulted on this and other issues as part of their [Private Rented Sector Strategy](#) in April of this year. As part of this work the Scottish Private Rented Sector Strategy Group identified a number of key issues for landlords regarding difficulties accessing redress through the justice system, these include:

- a general view that there is often a lack of awareness of housing issues and legislation by those involved in the judicial system: this includes Sheriffs; the Procurator Fiscal, and the Police; and

- difficulty for landlords in gaining possession of their property through the Courts, in particular time and cost associated with this.

As part of this work, the Scottish Government has forthcoming plans to consult on the creation of an alternative forum for housing disputes. It is proposed that this forum would be run by housing experts and follow an early intervention and prevention ethos; allowing it to deal with issues at a range of dispute resolution levels. Any new model would work with a reformed Court system by providing an alternative means of solving the most common disputes in a more efficient way.

### **Scottish Parliament Action**

No substantive action has been taken by the Scottish Parliament on rent arrears and evictions in the private rented sector. However, the Parliament has recently approved amendments to sections 153 and 155 of the Housing (Scotland) Act 2010 to strengthen protection for tenants in the social rented sector facing eviction for rent arrears. These measures are changes to repossession orders and pre-action requirements. These rules were introduced on 1 August 2012.

Members of the Scottish Parliament are also monitoring the Scottish Government's implementation of the recommendations of the Gill Review through a range of parliamentary questions.

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