

PE1447/D

**Housing, Regeneration the Commonwealth Games and Sport
Directorate**

Housing Services and Regeneration Division

Andrew Howlett
Assistant Clerk to the Public Petitions Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

14 January 2013

Dear Mr Howlett,

CONSIDERATION OF PETITION PE1447: MR GERRY MCLELLAN

Thank you for your letter of 14 December 2012 on behalf of the Public Petitions Committee, seeking a written response to a question raised by the Committee in relation to Petition PE1447. This petition was lodged by Mr Gerry McLellan, in which he calls 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.

Please find a response to the Committee's question below.

Q: What is your view on what the petition seeks?

In 2012, the Scottish Government consulted on the development of a Strategy for the private rented sector, which will set out a clear vision and strategic aims to help grow and improve standards and quality within the sector over the next decade. Part of this consultative Strategy sought views on how to better support landlords within the sector and key issues addressed included how to provide effective legal redress for landlords and how to more effectively deal with problem tenants. The Scottish Government will publish a final strategy for the private rented sector in 2013.

Stakeholder feedback from the consultation highlighted a range of issues for tenants, landlords and local authorities regarding difficulties in accessing effective redress through the justice system and this feedback is now being taken in consideration in the drafting of the final Strategy.

With particular reference to landlords, the Scottish Government recognises that non-payment of rent, refusal to vacate a property after eviction is granted and anti-social behaviour by tenants in the private rented sector are important issues to be addressed.

Whilst the vast majority of tenants and landlords operate within the law, it is a legal requirement that, in certain circumstances, landlords go to court to evict a tenant. This is to provide legal protection for tenants and to prevent landlords evicting people with no consideration by the courts. Overall, the law seeks to strike a balance between the need to protect tenants' interests and the rights of landlords.

Furthermore, in terms of improving redress procedures, there will be significant reforms to the civil court system when recommendations of the 2009 report of the Scottish Civil Courts are implemented. The recommendations include creating a new third tier of judiciary, to be called summary sheriffs, and greater specialisation among sheriffs in housing cases, among other areas. The Scottish Government plans to consult on these reforms in due course.

During 2013, Scottish Ministers intend to consult on the feasibility of creating a new housing panel model to adjudicate on disputes arising between landlord and tenant. 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.

The Scottish Government recognise that many housing problems can be resolved before they escalate into disputes and many disputes can be resolved between the parties, without recourse to a court or decision-making body. There will, however, always be some cases which require formal dispute resolution but preventative action can help to ensure that the majority of cases do not reach that stage.

Finally, problems in resolving disputes before they reach court can arise from a lack of awareness of respective rights and responsibilities. The Scottish Government's mandatory Tenant Information Pack, to be introduced in 2013, and other information raising activities across the sector, will go some way to addressing this.

Yours sincerely,

Barry Stalker
Scottish Government
Private Rented Sector Team Leader