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The Housing (Scotland) Bill Exemptions

SPF Consultation Response

Submitted on 18 July 2025

SCOTTISH PROPERTY FEDERATION

The Scottish Property Federation (SPF) is the voice for the real estate industry in Scotland. As a part of the wider British Property Federation, we include among our members: property investors, including major institutional pension and life funds; developers; landlords of commercial and residential property; and professional property consultants and advisers. Our members build Scotland's workplaces, homes, shops, schools and other facilities and the infrastructure that serves them. Our industry is therefore a core component of the Scottish economy.

CONSULTATION SUMMARY

The Housing (Scotland) Bill Exemptions Consultation

In our response we emphasised the need for rent control exemptions to apply specifically for the Build-to-Rent and Mid-Market Rent sectors. There is a strong need to incentivise these housing models as they have significant potential to rapidly deliver high-quality, rental homes across a range of styles and affordability levels. These models are seen as crucial contributors to boosting the supply of rental homes, which is desperately needed in Scotland.

While the UK has approximately 132,000 BtR homes in operation, Scotland accounts for only around 4,000 of these. We attribute this stalled growth in Scotland due to 'successive policy interventions' that have undermined investor confidence. We argue that despite these challenges, there remains significant appetite for BtR investment in Scotland, provided confidence can be restored and thousands of homes currently frozen in the planning system can be unlocked. This 'freeze' is primarily due to policy uncertainty leading up to the Housing Bill, rather than inherent planning obstacles.

We also urge the importance of providing long-term certainty for investors, particularly given the current difficulties in achieving development viability. BtR is not the sole solution to the housing emergency, which requires an all-tenure approach. However, BtR, encompassing both Single-Family Rental and Multi-Family Rental, has immense potential to rapidly deliver homes, either within dedicated developments or as part of mixed-tenure schemes alongside private for-sale, affordable housing, and MMR properties. Restoring investor confidence is paramount to making a significant impact on Scotland's current imbalance between rental housing supply and demand.

CONSULTATION QUESTIONS

Question 1

Should mid-market rent properties be exempted from the application of rent controls under the Bill?

☒ Yes

☐ No

Yes.

Mid-market rent (MMR) properties should be exempt from the application of rent controls. MMR properties offer discounted rents for tenants who have a combined household income of a defined threshold. MMR rents are deliberately priced between the social rent and the private market rate to accommodate those who do not qualify for social housing but may be unable to afford the market rate. The proportion of MMR (and on occasion letting policies) will be agreed with the relevant local authority, for example SPF has been informed that one local authority is requiring the MMR component of a new BtR development to be let ahead of the market component.

There are already existing mechanisms in place which manage rent increases responsibly, with providers such as Local Authorities and housing associations already under the supervision of the Scottish Housing Regulator. MMR developments in receipt of subsidy from the Affordable Housing Supply Programme must enter into Grant Agreements which will have stipulations on affordable levels and rent reviews. There is a risk of policy duplication which will cause confusion, complexity and inconsistency.

Rent controls also create uncertainty for institutional investors seeking long-term, stable and modest returns. Our concern is that if rent controls are applied to MMR, this is likely to threaten the viability of this tenure and disrupt future supply. MMR typically operates on a cost-based model with limited margins. Investors and lenders are also looking to see their returns grow in line with costs (e.g., operational costs, maintenance and loan repayments) not just inflation. Therefore, even an index linked cap may be insufficient to hedge against rising costs.

At a time of a national housing emergency, reduced supply in any tenure, but importantly MMR is likely to place more pressure on social housing. Instead, this tenure should be protected and expanded as a core part of Scotland's housing ecosystem.

Please explain your answer.

Question 2

We have set out some possible criteria which could be incorporated into a definition of MMR for the purpose of a possible exemption. Do you agree with these criteria?

☐ Yes

☐ No

Please explain your answer.

No.

Whilst the list encapsulates a robust set of current providers of MMR, it overlooks the increasingly important role of private capital and institutional investment in delivering affordable housing.

Indeed, the Scottish Government's own Housing Investment Taskforce Report acknowledges the important role that the private sector can play in delivering affordable housing. Our members feel that by exclusively focusing on not for-profit, risks limiting the other funding models which could help unlock affordable housing.

Question 3

If there is an exemption for mid-market rent properties, should this include specific requirements on the level of rent charged, such as a link to Local Housing Allowance rates or to a specified percentile of market rates?

☐ Yes☐ No

Please explain your answer.

No. There is a need for some flexibility, so instead of fixed rates we suggest a defined range would be more beneficial particularly in high demand areas where LHA could be out of step with actual costs. It is important to balance both affordability for tenants and viability for investors where a rigid link may not always achieve this.

Question 4

Should MMR properties only be exempted from rent control areas for the duration of time that they meet the specified criteria?

☐ Yes☐ No

Please explain your answer.

Yes. It is fair that MMR properties can only be exempt when they meet the defined criteria as this ensures a clear and predictable policy framework which is crucial for investors, tenants and local authorities. As mentioned previously, the criteria should be expanded to include for-profit models supplied by the private sector in the delivery of MMR.

Question 5

Are there any other types of housing provision which should also be considered as part of an exemption for MMR property?

In this question we ask you to consider only housing provision let below market rents, with binding restrictions on the level of rent that can be charged, or with restrictions on the types of tenants than can be granted a tenancy.

Please answer below.

Whilst we understand that most key worker housing is delivered through the public sector or enabled through public subsidies, it is important not to discourage private key worker housing schemes or 'rent to buy' models. Exempting these schemes from rent controls, especially if funded by the private sector, could improve appetite to invest in this sector, thus increasing the supply of affordable housing for key workers.

Question 6

Should build to rent properties be exempted from the application of rent controls under the Bill?

☒ Yes

☐ No

Please explain your answer.

We agree that Build to Rent should be exempted from the application of rent controls in order to restore confidence to investors in Scottish BtR and to restart the development and delivery of significant numbers of new homes supplied into this sector in Scotland.

The Scottish Build to Rent sector has significant potential to rapidly deliver the potential of some 11,000 new homes that are currently in the planning system and stalled pending the outcome of the Housing Bill. The sector has been significantly undermined by the uncertainty and disincentive to invest caused by years of regulatory interventions in Scotland. Not only is the loss or delay of vitally needed new purpose built for rent homes a severe cause for concern but the loss of economic value, jobs and skills has been hugely damaging to Scotland in recent years. Indeed, the damage goes beyond this because the business model for BtR is to deliver quality housing at scale and at pace. Global real estate experts Knight Frank note the UK Planning Reform paper found that build rates are up to 60% faster than for traditional models of housebuilding. Scotland has been largely missing out on this level of housing delivery and this consultation offers an opportunity to reverse that position. Analysts from our membership have identified that if just Glasgow and Edinburgh could achieve the same number of BtR homes as Manchester then over a ten year period a further 17,000+ homes might be delivered as well as £4.5bn generated for the wider economy. These homes would include mid-market rental homes which are the subject of other questions in this consultation.

Question 7

We have set out some criteria which could be incorporated into a definition of BtR for the purpose of a possible exemption. Do you agree with these criteria?

☒ Yes

☐ No

Please explain your answer.

We agree the definition must be for new purpose built for rental accommodation that will be at scale and professionally managed by a single corporate entity. The key is that there is a modern customer focused approach to the management of the building or linked buildings. It will be important to avoid limiting the definition to apartments or flats, there is a growing investment appetite for what is termed 'Single Family Rental' which is effectively housing developments purposefully built for private rent as opposed to 'multi-family' housing which is apartments specifically built for rent.

Question 8

Are there any other criteria that should be considered as part of a definition of BtR for the purpose of a possible exemption?

Please explain your answer.

The definition should be based on new purposely built, or redeveloped, residential rental accommodation for private rent. We provide a suggested 'cut-off' date which is no earlier than 2010. This is set to account for the introduction of this new sector (BtR) to the UK. BtR investors and BtR investors and developers already work closely with their local authority partners as part and parcel of the planning system and there will be planning consent documents that will evidence the criteria above and beyond that outlined above.

Question 9

Should BtR properties only be exempted from rent controls for the timeframe that they meet the specified criteria?

☐ Yes

☐ No

Please explain your answer.

If build to rent properties meet the criteria of 'build to rent', then they should be exempted. We believe this should be the case for BtR meeting the criteria that has been built or redeveloped for the purpose of rental accommodation since 2010.

Question 10

Are there any other types of new rental housing provision which should be considered as part of this category of exemption?

Please explain your answer.

Under Question 6 we highlighted the importance of including single family rental developments. It will also be important to exempt co-living developments as well which is form of purpose built rental accommodation that seeks to provide a market for people between BtR and PBSA. Co living can be particularly helpful to people moving to new locations for work where they can find a cheaper form of quality accommodation that is community based. Other forms of purpose-built rental accommodation could include bespoke developments for later living.

Question 11

Excluding mid-market rent and build to rent/purpose built private rented accommodation, are there other categories of housing provision that should be exempted from rent controls?

☐ Yes

☐ No

Please explain your answer.

If the Housing Bill continues to include purpose-built student accommodation for the purpose of potential rent control areas, then PBSA and University halls should also be excluded from rent controls. Their inclusion in the Housing Bill was not signalled to the investment sector and for a closed market such as student tenancies. When combined with the wider 28 day notice period amendment announced by Ministers (but subsequently clarified by Scottish Ministers to be based on existing best practice specified circumstances), these factors have added uncertainty to the PBSA investment sector. This has already led to significant disruption in the student accommodation market with new build delayed or postponed until the Housing Bill position is decided. If they are not addressed at Stage 3, then we believe PBSA should be added to the scope of exemptions from rent controls.

Question 12

What information would you consider would be acceptable to demonstrate that a property is eligible for the types of exemptions referred to in the previous sections in this chapter? (Properties let below market rent, Purpose-built rental housing, other circumstances where exemptions would be appropriate).

Please explain your answer.

Answer:

As alluded to in previous answers, BtR in Scotland is a nascent market, and these exemptions will encourage investment and development in this sector. To enable this the system should be set up for investors to lowest barrier to invest and navigate this market. The preferred approach by our membership is an eligibility based on planning consent documents including references to long-term rental tenure and unified ownership. Can also include planning or design statements outlining the rental model eligibility approach, where a development would be exempt if it meets the qualifying criteria. That will be based on transparent rules, proportionate framework and will provide certainty for developers.

BtR is delivered by institutional investors or pension fund providers operating on large scale professional manner with long term investment and rental plans. By demonstrating performance against the below defined criterion BtR can be exempt -

Purpose-built rental accommodation that is professionally managed.

Properties under single or coordinated ownership intended for long-term private rental investment.

Developments that are typically owned by institutional investors or specialised property management companies, ensuring professional oversight and management.

This includes new build properties, large-scale conversions, and homes originally intended for sale but subsequently acquired under a single ownership and made available for rent.

Can include various tenure models such as single-family rentals (houses) and multi-family properties (blocks of flats).

Other types of purpose-built rental accommodation like co-living, later living, or assisted living and student accommodations.

MMR:

For traditional MMR there are grant agreements, registration with local authorities for RSLs or eligibility policies demonstrating affordability but there should be a wider acknowledgement of other models by private sector within BtR schemes such as affordable housing is provided in form discounted market rent or intermediate market rent (also known as affordable private rent).

Co-Living/SFH/PBSA/Later Living:

These are different models of rental accommodation, and one size fits all approach cannot fit them all. These have to be taken into account in the Housing (Scotland) Bill depending on various factors and criterion such as planning consents, tenancy terms, licensing models, service level agreements or evidence of delivery.

Question 13

What steps should a landlord need to take to confirm that their property is eligible for such an exemption?

Please explain your answer.

By offering landlords the option to seek preliminary approval for proposed rent levels, especially for new BTR developments or after significant improvements, could provide greater certainty for investors aiming for the so citing the evidence of planning agreement, exemptions can be secured.

For Under-Rented Properties

An exemption for "good landlords" who have maintained good relationships with tenants and have not increased rent for several years. It is important to acknowledge that landlords' maintenance and operating costs, must be factored into policy decisions, as changes impacting income stability or increasing administrative overhead could reduce investment in property standards.

A balanced approach might involve clear, objective criteria for defining "significantly below market rent". The exemption would allow landlords to bring the property back to market rates when a tenant leaves, especially if the property is around "10% under rented" compared to the market rent. This is seen as necessary for landlords to reinvest in the property.

Significant Property Improvements

There is support for an exemption when landlords make significant property improvements involving a substantial capital outlay. This would allow landlords to recoup the capital expenditure, particularly for upgrades related to energy efficiency standards. The landlord can provide proof of these upgrades to opt for exemption.

Question 14

Should a landlord of an exempt property be required to communicate to tenants and prospective tenants about the exemption?

☐ Yes

☐ No

Please explain your answer.

If the property falls within a designated rent control area and is awarded exemption, the landlord should be required to provide tenants or prospective tenants, with a written statement explaining the BtR landlord is not currently subject to rent control regulations. This should be in the tenancy agreement documentation for prospective tenants, and also for existing tenants any impending rent increases (example improvements).

Question 15

What could the process be for tenants to verify that a property is exempt?

Please answer below.

Our members suggest that there should be a simple, single and transparent system for tenants to verify a BtR landlord is not subject to rent control regulations. A central register managed by local authorities, or the Scottish Government can be adopted which can also be utilised by the landlords to declare at the start of a tenancy.

Question 16

Should landlords be able to increase their rent by more than the level of the rent cap at the beginning of a new tenancy, where the previous tenancy was let significantly below market rates?

☒ Yes☐ No

Please explain your answer.

It is not an unusual situation for landlords to have ‘under-rented’ their properties for several years before a long-standing tenant vacates. This is often the result of a good relationship built on trust and understanding between landlord and tenant where rent has stayed the same for some time and thus fallen behind market rates. In this scenario, a landlord will seek to undertake any necessary or relevant improvements to the property (for example repair and maintenance or energy efficiency upgrades) and then return the property to market rates. We believe these are positive circumstances which would justify a landlord being able to raise their new rent above any nominal Rent Control Area restrictions.

Question 17

Should the rent be a certain amount below advertised rents for similar properties for this allowance to apply?

☒ Yes☐ No

If no, please explain your answer.

If yes, what amount or percentage below the advertised rent for similar properties should a rent be before this should be allowed, and why?

At Stage 2 of the Housing Bill there was a strong debate on whether a figure of 10% below market rent would provide a threshold to support exemption from a rent control area regulation. We understand this figure is supported by the Scottish Association of Landlords and we would add our support to this proposal. However, we would add that this should not be seen as the only factor that could support an exemption, and it will be important for the Scottish Government to recognise the distinct circumstances that can exist under rural private rented tenancies which have been outlined by the Scottish Land & Estates.

Question 18

Should landlords be able to increase rents by more than the level of the rent cap to recover costs, where they have undertaken certain improvements which may enhance the rental value or bring additional benefit to the tenant?

☒ Yes☐ No

Please explain your answer.

Property improvements are invariably costly and subject to difficult capacity issues. This is why landlords will often need to await a vacancy before being able to proceed with significant improvements. If they do not believe they can recapture this value due to a rent control area restriction they are unlikely to take the risk and cost of improving their properties which will over time lead to deterioration and poorer quality of the PRS as a whole.

Question 19

Should landlords who make improvements to a property which improve energy efficiency (for example by making specific improvements which improve the Energy Performance Certificate (EPC) rating of the property, or by installing an upgraded heating system) be allowed to raise the rent above the level of the rent cap?

Please explain your answer.

Yes, if wider government and public policy objectives are to be achieved. There is a current related consultation seeking EPC C (as reformed) for new PRS tenants in 2028, and for the market as a whole by 2033. This is therefore a critical exemption issue to transition to net zero and also incentivise the landlords to improve these properties to achieve the set targets.

Question 20

Are there any other types of improvements that should potentially qualify for this kind of increase above the level of the cap?

- ☐ Yes
- ☐ No

Please explain your answer.

Two scenarios come to mind. There could be new regulatory requirements in terms of energy efficiency standards or accessibility standards. There might also need to be investments in additional flood prevention measures to satisfy insurers. There needs to be recognition that it is going to be difficult to legislate for all such eventualities.

Question 21

How do you think improvements that might qualify for this increase above the level of the cap should be distinguished from work that would be expected as part of routine property maintenance?

Please answer below.

It is surely up to a landlord to decide on the level of improvements they see as practicable for the properties they are seeking to make available to the PRS market. If they make excessively expensive improvements that cannot be recovered via market rent then they will suffer voids and loss of income/additional taxation and finance costs. This is a powerful incentive to landlords to not make excessively expensive investments that they cannot recover financially. It should be added that responsible landlords are already very aware of the realities of what investments can be afforded by tenants over a period of time – for example a £10,000 kitchen refit will not be recovered in a year so a landlord will seek to achieve a market value that will repay this outlay over a number of years. As described earlier if a landlord is prohibited from seeking to use market value to recover such capital outlay, it is unlikely they will be incentivised to make these kinds of investment.

Question 22

Do you think that a rent increase above the cap should be calculated by:

- a) improved rental value basis
- b) cost recovery basis
- c) other

Please answer below.

The rental value should incorporate both cost-recovery and additional financial charges. It would also be the most straightforward way to realign the rent with the passing market rental value for like properties in the same location.

Question 23

If a cost-recovery basis was used, what kind of factors should be taken into consideration when deciding how it should be applied?

Please answer below.

Cost recovery may be inherently difficult to assess from a regulator perspective. However, it can be the basis for a fair assessment of exempting a landlord who has made significant improvements after a period of under-renting. In summary the market value should be the basis of assessment for like for like properties in the same location.

Question 24

Are there any other cost increases for rental properties that would justify raising the rent above the level of the cap?

☒ Yes☐ No

Please explain your answer.

Yes, there can be significant increases in finance costs, especially for individual buy-to-let landlords. There may also be increases in management fees for staff, energy connections, taxes and regulatory levies among other operational matters.

Question 25

Are there any other circumstances under which landlords should be allowed to raise rents above the level of the rent cap?

☒ Yes☐ No

Please explain your answer.

Urgent repairs or maintenance might be nominated by the local authority. A landlord might also seek to upgrade their property significantly or be required to make alterations for accessibility issues for example.

Question 26

What should the process be if a landlord seeks to make a rent increase above the level of the rent cap for any of the reasons referred to in the previous sections in this chapter? (Landlords who charge rent significantly below advertised rates, landlords who make improvements to their property, other costs a landlord may face)

Please choose your preferred option:

a. landlords should be required to seek approval before raising the rent above the rent cap

b. landlords should be allowed to raise rents above the cap without a requirement to apply to an external decision maker.

Please explain your answer.

We have several concerns regarding the resourcing and potential for long delays should the pre-approval process be the default option. An overly bureaucratic and restrictive process may also have the unintended effect of discouraging further property improvements if there is a risk that their approval request is delayed.

Furthermore, in practice, tenants may also prefer avoiding the pre-approval process, so they have greater certainty over costs, have the autonomy to choose if the increase is justified and respects the fact many tenant-landlord relationships are cooperative rather than adversarial.

We do however suggest that landlords have a template for notifying and justifying their increase to their tenant(s) for transparency and to help reduce the likelihood of a dispute. This could include explaining the reasons for the increase and supporting evidence / documents of incurred costs. Indeed, there would still be the option of a dispute resolution should the tenant feel the increase is not justified and we feel strikes the right balance.

The implications for Rent Service Scotland (RSS) and the First-tier Tribunal for Scotland (Housing and Property Chamber) must be carefully assessed. RSS currently plays a key role in rent adjudication, assessing rents based on market rates for similar properties.

Question 27

If landlords were required to seek approval before raising the rent above the rent cap, what kind of information should landlords have to provide to tenants after the rent increase has been approved, and when?

Please answer below.

As mentioned previously, we do not support the pre-approval process. However, if this is the preferred option, the approach should be clear and proportionate. When notifying the tenants, as per our previous suggestion, landlords should explain the reasons for the increase with supporting evidence/documents of the incurred costs to remain transparent using a standardised template. Landlord should notify the tenant as soon as possible.

Question 28

If landlords were required to seek approval before raising the rent above the rent cap, what should be considered when designing a process for landlords to apply?

Please answer below.

Should a pre-approval system be in place, the process must be as streamlined and simple as possible. We suggest the following elements to be included:

- An online portal to easily submit, upload and check on status of application
- Clear definition of eligibility criteria
- Predominately tick-box to understand the reasons and minimal text fields to describe the works carried out (100-200 words)
- Ability to upload supporting evidence – invoices so show proof of costs / utility bills / local based rent comparisons
- The ability to track aggregate data from applications to inform future policy decisions

- Little to no costs for landlords

Question 29

If landlords were allowed to raise rents above the rent cap without seeking approval, should they still need to produce evidence to prove that they qualify?

☐ Yes

☐ No

Please explain your answer.

Yes

As mentioned in previous responses, if no prior approval is necessary, it is reasonable for the landlord to provide evidence to justify their rent increase above the rent cap. By requiring landlords to submit evidence, tenants can be assured that rent increases are not arbitrary and are based on genuine reasons making the exemption fair, justified and transparent. A standardised template should be used when a landlord submits notice of a rent increase above the rent cap to provide them with a clear and structured process particularly important if a challenge is made by the tenant.

Question 30

If landlords were allowed to raise rents above the rent cap without seeking approval, who should they need to provide evidence/information to and when?

Please answer below.

As mentioned previously, landlords should be required to submit evidence to the tenant when they issue a notice of a rent increase above the rent cap, using a standardised template.

In the event that a tenant challenges the rent increase, the landlord will be required to provide the same evidence to The First Tier Tribunal or Rent Service Scotland, which would serve as the dispute resolution body.

Question 31

If landlords were allowed to raise rents above the rent cap without seeking approval, what should be considered when designing a process for tenants to verify or challenge the increase?

Please answer below.

Justification at the point of notice

Landlords should initially provide tenants with a justification and supporting evidence when issuing the rent increase notice. This ensures all tenants have access to a basic and consistent level of information to help reduce the likelihood of disputes.

Extra Information

Tenants should have the ability to request further information or ask questions. The landlord should have a duty to respond in a timely manner. A simple online checkbox tool could be designed to help tenants quickly determine whether the grounds for a rent increase above the cap are valid. For example, tenants could enter basic information about the proposed rent increase and the circumstances. On the answers provided the tool would offer immediate feedback to the tenant, letting them know if the increase appears to meet the criteria for an above-cap increase.

Dispute Resolution

Tenants should be able to challenge the rent increase using a third-party service such as Rent Service Scotland or the First Tier Tribunal.

If the third-party disallows the rent increase, the rent should revert back to the original rent amount.

If the increase is deemed valid, the new rent should take effect as proposed, starting from the original date specified in the rent increase notice.

The process must be efficient and as cost effective as possible.

Question 32

What additional information do you think should be included in a 2-month pre-notice (for example information on the process, signposting to advice and support available)?

Please answer below.

The two-month pre-notice should include clear information:

- Simple outline of the process and next steps
- Guidance to independent advice (e.g. Housing services, Citizens Advice, Shelter)
- Encourage early contact with landlord to manage practicalities and avoid conflict
- Name of the joint tenant giving notice
- Date notice is issued
- Clear intent to end the tenancy and reason
- Proposed start date of the 28-day notice period
- Willingness to forfeit deposit share (if needed) for admin or reletting costs

Question 33

Do you think a legal form (sometimes known as a prescribed form) should be created that a joint tenant must use for issuing the pre-notice?

☐ Yes☐ No

Please explain your answer.

Yes, agree that there should be a legal form, this offers a direct and transparent route for tenant changes, particularly beneficial for institutional landlords, such as BTR operators, who manage large portfolios. A formal assignment mechanism would streamline tenant transitions, reduce the need for full re-tenancies, and provide much-needed clarity on the transfer of liabilities.

A formal template should be mentioned in the Bill with key information including:

- Guidance or instruction on how this mechanism interacts with remaining joint tenants.
- If they can terminate their tenancies during this period
- Established methods to manage liability and deposits
- If the situation changes and they have to cancel the termination notice
- What if the notice is not received by the remaining tenants etc

Question 34

Do you think that the pre-notice should be sent by the tenant initiating the end of the tenancy in a specific way to the other joint tenants, for example recorded delivery or by sheriff officer?

If yes, what method do you think should be required?

☐ Yes☐ No

Please explain your answer.

Yes, the pre-notice should be sent by a method where is proof of delivery recorded, it is crucial to that all joint tenants receive the notice. This can be done by an online portal or form in an established central system mentioned in the previous question to reduce admin burden as well as transparency is provided for a clear audit trail.

Keeping in mind the implications for Rent Service Scotland (RSS) and the First-tier Tribunal for Scotland (Housing and Property Chamber) as these new processes pre-notice for joint tenancies could significantly increase the volume and complexity of cases handled by these bodies, necessitating adequate resourcing and clear procedural guidance to ensure efficient dispute resolution. An easy automated system in-built with confirmation of receipts and reducing admin burden on all parties is encouraged.

Question 35

Do you think the tenant initiating the ending of the tenancy should be required to provide evidence that the pre-notice has been sent alongside the notice to landlord? For example, proof of email, postage, or information that shows it has been served by a sheriff officer.

☐ Yes

☐ No

Please explain your answer.

Yes, the tenant should have receipts and documented proof of delivery of this notice being received by the landlords as well as other joint tenants.

Question 36

Do you think that the copy of the 28-day notice to the landlord should be sent by the tenant initiating the ending of the tenancy in a specific way to the other joint tenants, for example recorded delivery or by sheriff officer?

If yes, what method(s) should be required?

☐ Yes

☐ No

Please explain your answer.

Yes, although in some cases (such as domestic abuse or falling out of tenants) this should be dealt sensitively.

Question 37

Do you think the tenant ending the tenancy should be required to give evidence to the landlord that a copy of the 28-day notice has been sent to all other joint tenants? For example, proof of email, postage or by served by sheriff officer.

If yes, what method(s) should be required?

☐ Yes

☐ No

Please explain your answer.

Same as above.

Question 38

We will be developing guidance to accompany these measures that would support both landlords and tenants understand and make use of the new process.

We want to provide information and support in certain circumstances such as domestic abuse where further guidance would be helpful, for example where a non-contact order is in place.

What particular information or advice should the guidance cover?

Please answer below.

N/A

-End of Response-

QUESTION 1 The Scottish Government's objective is to ensure consistent implementation of Community Wealth Building across Scotland.

Do you think the proposed Bill will achieve this object? Please provide your response in the box provided.:

The SPF welcomes Community Wealth Building as an overarching policy objective and practical approach to bringing key elements of a community together to seek to deliver economic development at a community level. Our comments will relate mostly to the land and buildings elements of the intended Community Wealth Building plans, processes and policies.

Community Wealth Building across Scotland will inevitably proceed at a different pace and level of activity to reflect the circumstances and needs of different communities and stakeholders. The Bill will not be able to change this. But the Bill can provide an approach offering a consistency of policy and practice that can present communities with choices as they seek to deliver local economic development or community improvements.

The Yes/No answer above relates to the following question: (b) Does the Scottish Government need to change the law to achieve this objective? The following text box allows people to explain their answers.

The main legislative change in the Bill is to apply a statutory duty on public authorities to produce community wealth building plans within 3 years of the Bill coming into force. Although we understand the objective of providing a cohesive overarching plan for community wealth building in an area, this could add a statutory burden to what is a complex and interrelated set of requirements. Therefore while we welcome the objectives and intention of the Bill, we are not convinced it could not have been achieved without statutory burdens being applied to local and other public authorities.

(c) Are there other ways in which the Scottish Government could achieve this objective? Please provide your response in the box provided.

As suggested in our answer (b) above yes, we believe alternative guidance and government leadership, supported by effective community engagement could deliver the same outcomes.

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QUESTION 3 Introduction text

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QUESTION 15 Introduction text

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End of questions