



# PRIVATE SECTOR ACCOMMODATION

A student guide to  
checking your contract



## REPAIRS

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**You will be expected to carry out some minor repairs, like cleaning mould from condensation, changing light bulbs and fuses, gardening and keeping the drains clear. The contract will usually tell you exactly what is expected of you.**

Your landlord is legally required to carry out most repairs to the property, e.g., the heating system, electrical problems, leaks, etc.

Do not forget to ask who you should report repairs to and make sure you report and repairs in writing. If you, your flatmates, or your guests cause damage, then you will probably have to pay for the landlord's costs to repair it. Seek further advice from ENSA/Shelter Scotland if your landlord is insisting you pay when it is not your fault.

## MOVING OUT

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**If you want to move out of rented accommodation, you must let your landlord know in advance that you wish to end your tenancy. The amount of notice you must give will depend on the kind of tenancy you have.**

For most types of tenancies, the minimum notice period to give your landlord to end your tenancy is 28 days. The notice will have to be in writing and either posted or emailed to your landlord.

If you have a joint tenancy within the private sector and only one person wants to leave the contract, they will need to get the other joint tenants' permission first, because this will end the tenancy for everyone. You may be able to arrange a new tenancy agreement with your landlord whereby another person takes on the tenancy of the person who wants to leave, or you and any other joint tenants stay on and pay the extra rent yourselves.

## PRIVACY

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**Landlords must give you a reasonable notice to enter the property and should arrange any visits at a convenient time.**

Check what your contract says about giving notice to enter property and under what circumstances. Within the private residential sector, the landlord should be giving you 48 hours' written notice although this might be different if you live with a resident landlord or in a hall of residence. Landlords of private residential tenants cannot just turn up and expect entry. This is often a problem for younger tenants who can feel bullied at times.

Remember that it is a legal requirement to give access to landlord/contractor to complete repairs, but not if the landlord just wants to pop round to check on the flat.

## GET IT IN WRITING

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**If your landlord or letting agent agrees to repair something, e.g. carry out cleaning or provide extra furniture before you move in, make sure you get it in writing.**

Otherwise, you run the risk that the landlord/agent will not keep their promises and you will not be able to prove what was agreed.

## GET THE RIGHT CONTRACT

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**Most students who rent within the private sector should have a “Private Residential Tenancy” (although there are some exceptions, e.g., if you live with a resident landlord or in University Accommodation.**

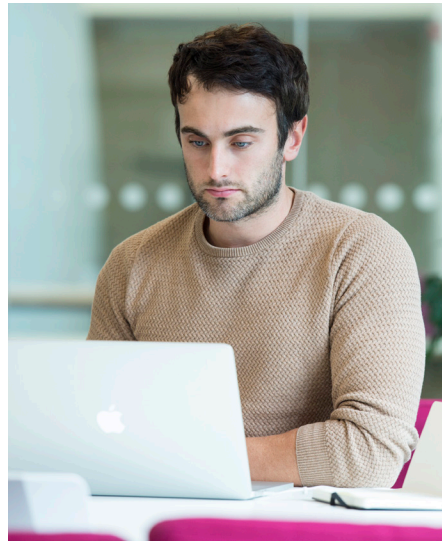
Some landlords try and give students “Short Assured Tenancies.” These tenancies give the tenant full security of tenure for a limited period. After this period, the landlord can seek repossession without relying on any of the grounds that would have to be fulfilled for repossession to be granted under a normal assured tenancy. These types of tenancies are no longer legal in Scotland.

With a “Private Residential Tenancy” there are no fixed terms, meaning that a landlord cannot simply ask you to leave (for example) after 6 months. If you and your flatmates

are all listed on one contract, be aware that you will have a joint tenancy. This means that you are all jointly responsible for the whole rent and for any damage you or your flatmates cause.

Rent increase notices must be served a minimum of 3 months in advance of any increase and this can only happen once every 12 months. In addition, a landlord must give you at least 84 days’ notice to leave if you have lived in the property for longer than 6 months (unless the tenant breaches the tenancy contract).

Some contracts may contain unfair terms, which you should try to get changed before you sign. When in doubt, please seek a second opinion and further advice from ENSA/ Shelter Scotland.



## IT'S ALL IN THE DETAIL

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**The first page of the contract usually contains the basic terms, which include the date the contract will begin, the amount of rent and deposit, and the address of the property.**

Check that this is what you have agreed. You should check the contract to see when the rent is due and how it should be paid, who is responsible for things like paying the electricity and gas bills, whether you can smoke, have pets, and whether the property will be furnished or unfurnished. You should also check if there are any rent increases in the contract.

## IS IT AN HMO?

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**Where a building is occupied by three or more unrelated people, the property is classified as a "House in Multiple Occupation" (HMO).**

Landlords have additional responsibilities to ensure HMO properties meet safety standards, like extra fire precautions and minimum room sizes. An HMO license will be required for flats where 3 or more of the residents are unrelated. A couple counts as a single "family", thus if you share a flat with a couple, the flat does not require an HMO.

If you are not sure whether the property you are about to rent requires a licence, have a look on your local council's website. Landlords who fail to get licences when required may be subject to fines from the local authority.

## BE SAFE

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**Landlords must meet certain requirements to ensure the safety of their tenants.**

This includes Getting a gas safety certificate every 12 months, an electrical safety certificate every five years, providing smoke or heat detectors (and carbon monoxide detectors in rooms with fuel-burning appliances), and fire-resistant furniture. You should be given a copy of the most recent gas and electrical safety certificates before you move in.



## KEEP RECORDS

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**You will normally be given an inventory when you move in, which is a list of contents of the property as well as its condition.**

Check that this is accurate, and if not, note any discrepancies and send an amended copy back to your landlord/agent. We always advise taking dated photographs of each room in the property both when you are moving in, and when you are moving out. This is so you have your own record of the condition if there is dispute later.

## GET AN ADDRESS FOR THE LANDLORD

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**This can be really important if things go wrong. All landlords must give their tenants their name and a UK contact address.**

If the contact address is for the agent, you are also entitled to the landlord's address even if that address is not in the UK.

## PROTECT YOUR DEPOSIT MONEY

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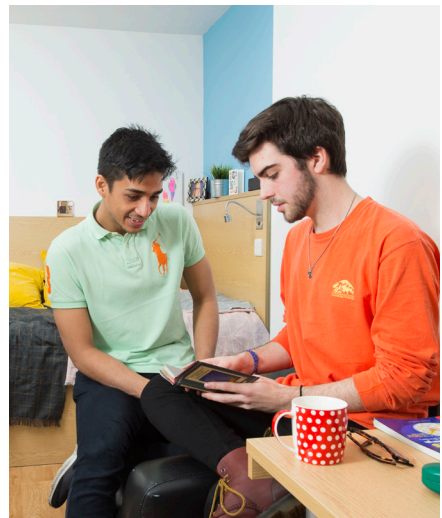
**Private landlords, letting agents, and student accommodation providers, must register your deposit in a tenancy deposit scheme within 30 days of the date the money is received.**

A deposit scheme looks after your deposit and gives you the opportunity to challenge any deductions your landlord tries to make at the end of a tenancy. Your landlord/letting agent should also give you details of where your deposit is protected and how the scheme works. There are three schemes that are Scottish Government approved:

- MyDeposits Scotland
- Safe Deposits Scotland
- Letting Protection Service Scotland

If you live with your landlord, they do not need to use a deposit scheme.

A landlord who fails to protect a deposit by entering it into an approved scheme can be taken to the First Tier Tribunal for damages.



## RIGHT TO RENT

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In Scotland, EU citizens have the same right to rent property from a private landlord as that of any UK citizen.

Landlords must not discriminate against you based on your citizenship, nor do they have the right to refuse to rent property to you based on your immigration status.

Please note this applies to Scotland only – landlords and letting agents in England are required to check you have the right to live and rent before you sign a new contract.



## ENERGY BILLS

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Do not forget to open your gas and electricity accounts when you move in.

To do this you will need the opening meter readings. Energy is expensive, but you can sometimes save money by finding deals on comparison websites.

The landlord has to provide you with the Energy Performance Certificate before you move in, so ask to see it before you sign the contract, as the more energy efficient the property is, the lower your bills should be.

## GUARANTORS

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You may be asked to provide a guarantor.

This is someone who agrees to pay your rent or for any damage if you are not able to and will normally be your parent or guardian. If you have a joint contract, it is very likely that your guarantor will be agreeing to pay for any unpaid rent and/or damage caused by any housemate, not just you. If you are unable to provide a UK based guarantor, you may be asked to pay rent in advance. This should not be more than 6 months of rent.

## OTHER BILLS

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**Full time students do not normally have to pay council tax, provided only full-time students live in the property.**

The University sends a list of students to the council every year. The details are sent 4 weeks after the start of the trimester to inform them that you are a student if you are a full-time matriculated student and have an Edinburgh term-time address on eStudent Records. The council tax student exemption needs to be applied for by the student on the councils' website - it does not happen automatically!

Do not forget to buy a TV license if you watch or record TV as it is being broadcast or use BBC iPlayer. If you are watching streaming services such as Netflix or Amazon Prime, you do not need a TV license.

Although your landlord should have insurance on the property and their fixtures and fittings, it will not cover your possessions. It is a good idea to get contents insurance with cover for accidental damage, just in case.



If your landlord is including Wi-Fi with your tenancy, ask for the minimum guaranteed internet speed in writing before you sign, or the landlord is under no obligation to give you high speed internet.

## FRAUD ALERT

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**Some scammers may ask you to make a payment via transfer companies like Western Union or Moneygram to prove you have the available funds to rent a property.**

This may result in the “landlord/ agency” withdrawing the funds using forget identification. Scams can happen with every payment method though, and even with bank details it can be hard to trace the person and get your money back.

Never pay any money without first viewing the property and seek a second opinion if you are not sure. Be particularly cautious with properties found on social media groups like Facebook and WhatsApp, or on classified ads like Gumtree.

It is unusual for legitimate landlords to send you copies of their own identification documents such as passports or driving licenses to prove they are legitimate – if a landlord offers this, this is a clue it may be a scam. If a property seems too good to be true, it probably is.

## MONEY, MONEY, MONEY!

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At the time of signing your contract, you will usually be asked to pay your first month's rent and a deposit.

The amount letting agents or landlords can take for a deposit is limited to a maximum of two months' rent.

Agents and landlords cannot charge fees for contracts, general administration, referencing, and renewals. They are still allowed to charge you for some things, for example interest if you pay your rent late or to cut new keys if you lose them. These fees should only cover a landlord/letting agent's actual costs or losses. If you are not sure if a fee you are being charged is legal, contact ENSA.



## LOOKING FOR MORE INFORMATION?

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Our private accommodation support service is available all year.

Please contact [privateaccommodation@napier.ac.uk](mailto:privateaccommodation@napier.ac.uk) to arrange an appointment.

You can also find more support via ENSA Advice, a free, confidential and independent welfare rights and

education advice service run by Edinburgh Napier Students' Association.

Please contact ENSA Advice on **0131 229 8791** to arrange an appointment or email [ensa.advice@napier.ac.uk](mailto:ensa.advice@napier.ac.uk)

You can also find useful advice and guidance at [scotland.shelter.org.uk](http://scotland.shelter.org.uk) and [citizensadvice.org.uk](http://citizensadvice.org.uk)