

FORM AT4: FOR USE ONLY BY A TENANT

ASSURED TENANCIES

AT4

HOUSING (SCOTLAND) ACT 1988

Application by a tenant to a Private Rented Housing Committee for a determination of rent under sections 24(3) and 34(1) of the Housing (Scotland) Act 1988

IMPORTANT: INFORMATION FOR TENANT(S)

This form should be used if you as tenant are seeking a determination of rent from the Private Rented Housing Committee for your assured or short assured tenancy. This might be as a result of Notice AT2 having been served on you by your landlord (a Notice AT2 proposes an increase in rent for an assured tenancy), or, if you are a tenant of a short assured tenancy, because you would like the Committee to look at the rent you are being charged. Please note that tenants of short assured tenancies have different rights to apply to Private Rented Housing Committees from other assured tenants. You are therefore advised to read this application form carefully. Complete the form as fully as you can. Insert 'NOT KNOWN' where the information is not available. Where boxes are shown tick only one. It would be helpful if you would type your answers or use BLOCK LETTERS in BLACK INK and send 2 copies of the form, if possible, to the Clerk of the Private Rented Housing Committee.

Part 1. Address of House being let.

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Part 2. Name, address and telephone number of landlord.

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Name, address and telephone number of landlord's agent (if any).

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Part 3. Name and telephone number of tenant(s).

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Name, address and telephone number of tenant's agent (if any).

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Part 4. Details of House

Say what kind of house it is, such as a detached or terraced house or flat or part of a house. (If a flat give location in stair eg IF1.)

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Give number and type of rooms (eg bedroom, living room).

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Is there any accommodation or facilities shared with another tenant? If yes, give details. No Yes

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Is there any accommodation or facilities shared With the landlord? If yes, give details No Yes

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Does the tenancy include a garage, garden, yard or any other separate building or land? If yes, give details. No Yes

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Part 5. Services

Does the landlord provide any services (such as cleaning, heating or hot water supply)? If yes, give details. No Yes

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What charge is made for these services at present?

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Part 6. Furniture

Does the landlord provide any furniture? If yes, please attach a list of the furniture provided. If you do not have one prepare one and attach it to this form. No Yes

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Part 7 Improvements

During the present or any former tenancy have you or has any previous tenant carried out any improvement or replaced fixtures, fittings or furniture for which you are (or he was) not responsible under the terms of the tenancy? If yes, give details including the costs (actual or estimated) and the approximate date on which the work was carried out. No Yes

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Part 8 Disrepair

Is there any disrepair or other defect to the house or to any fixtures, fittings or furniture due to a failure to comply with the terms of the present or any former tenancy? If yes, give details. No Yes

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Part 9 What rent are you paying now?

£ [per week*] [per month*] [per year*]

If you are responding to a rent increase proposed by your landlord please attach a copy of Notice AT2 which gave notice of the proposed new rent.

* delete as appropriate

Part 10. I apply to the Private Rented Housing Committee for a rent determination for the house at the address in part 1 above.

Signed(tenant or tenant's agent)

Date

(In the case of joint tenants all tenants should sign)

Part 11. In submitting your application you should attach copies of certain documents which will be required by the Private Rented Housing Committee to help it make a determination. You should attach the following:-

- a. A copy of the existing tenancy agreement or written document setting out the terms of the tenancy.
- b. A copy of Notice AT2 if one has been served on you by your landlord (including any attachments to that form).
- c. If you provides furniture, a list of the furniture; and
- d. If the tenancy is a short assured tenancy a copy of Notice AT5 served on you by the landlord.

Any documents which you send with this application will be returned to you as soon as possible.

Tick each box to indicate that you have attached the relevant form.

Please send this application form to the Clerk to the Private Rented Housing Committee for your area (see telephone book for the address).

ASSURED TENANCIES

HOUSING (SCOTLAND) ACT 1988

NOTES FOR TENANTS TO BE READ WITH FORM AT4. THESE NOTES ARE FOR GUIDANCE ONLY AND ARE NOT A DEFINITIVE INTERPRETATION OF THE LAW. THE NOTES GIVE ADVICE ON THE CIRCUMSTANCES IN WHICH AN APPLICATION CAN BE MADE TO THE PRIVATE RENTED HOUSING COMMITTEE.

TYPE OF APPLICATION TO THE PRIVATE RENTED HOUSING COMMITTEE

1. You may use this form to make an application to the Private Rented Housing Committee if either A or B below apply.
 - A. Your landlord has served on you a Notice AT2 proposing a new rent, which you do not accept; or
 - B. You are a tenant of a short assured tenancy and you wish to exercise your right under Section 34(1) of the Housing (Scotland) Act 1988 to seek a determination of rent for your short assured tenancy.
 2. Different rules govern applications under A and B. If you are applying to the Private Rented Housing Committee because A applies, refer to notes 3 to 13 under Part A. If B applies refer to notes 14 to 25 under Part B.
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PART A

NOTES FOR THE INFORMATION OF TENANTS REFERRING A NOTICE AT2 TO THE PRIVATE RENTED HOUSING COMMITTEE

TYPES OF ASSURED TENANCY

3. Your tenancy is either a **"contractual" or "statutory"** assured tenancy. If you are not sure of which kind of tenancy you have read paragraph 4 below. If you do know the kind of tenancy you have, go to paragraph 5.

4. A **"contractual assured tenancy"** is a tenancy for which the contract between you and your landlord is still in force.

A **"statutory assured tenancy"** is a tenancy for which the contractual assured tenancy has ended because your landlord has (or you have) issued a notice to quit, but you continue to live in the house by virtue of the security of tenure provisions of the Housing (Scotland) Act 1988. You may also have a statutory assured tenancy through having succeeded to the tenancy.

WHEN TO USE THIS FORM

5. You should use this form to apply to the Private Rented Housing Committee if a. to d. all apply:
 - a. your tenancy is a statutory assured tenancy;
 - b. your landlord has served on you a Notice AT2 proposing a new rent;

- c. the date on which your landlord proposed the new rent to take effect (as set out in the Notice AT2) has not yet been reached; and
- d. you wish the Private Rented Housing Committee to make a determination of rent for your tenancy.

But you should note that:

The Private Rented Housing Committee may not be able to intervene if, when you entered into your original tenancy agreement with your landlord, you agreed how your rent would be increased from time to time, and the new rent being proposed by your landlord results from that agreement. If you are in doubt about this consult your solicitor or any organisation giving advice on housing matters.

IF YOU DO NOT APPLY TO THE COMMITTEE

- 6. If you do not apply to the Private Rented Housing Committee before the date on which the landlord's new rent is due to come into effect, (as set out in the Notice AT2) the proposed new rent will take effect from that date.
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NEGOTIATING WITH YOUR LANDLORD

- 7. If you do not find the new rent proposed by your landlord acceptable it might, in the first instance, be helpful to discuss the matter with him before making a decision on whether or not you should refer the matter to the Private Rented Housing Committee.
 - 8. If you decide to apply to the Private Rented Housing Committee and it subsequently makes a determination remember that you and your landlord are free to set aside the determination if you agree on a different rent. However, unless you **both** agree to such a variation, the rent determined by the Private Rented Housing Committee will apply.
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AFTER THE PRIVATE RENTED HOUSING COMMITTEE'S DETERMINATION

- 9. The determination of your rent made by the Private Rented Housing Committee **will** take effect from a date decided by the Committee but it cannot be earlier than the date of your application to the Committee.
 - 10. The rent determined by the Private Rented Housing Committee **will** be the maximum rent payable for the tenancy for at least 12 months from the date it comes into effect.
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FURTHER GUIDANCE

- 11. If you are uncertain about the kind of tenancy you have, or your rights, or uncertain about how to complete this form, you should consult a solicitor or any organisation which gives advice on housing matters.
- 12. Further guidance on assured tenancies is available in "Assured Tenancies in Scotland - A Guide for Landlords and Tenants". Copies are obtainable from any office of the Private Rented Housing Committee, Citizens Advice Bureau or Housing Advisory Centre or any office of the Rent Registration Service.

13. The Private Rented Housing Committee is an independent body which does not charge a fee. A leaflet setting out its procedures is available from any of the organisations listed in paragraph 12.

PART B

NOTES FOR THE INFORMATION OF A TENANT OF A SHORT ASSURED TENANCY WHO IS APPLYING TO THE PRIVATE RENTED HOUSING COMMITTEE

TYPES OF TENANCY

14. Your tenancy is a short assured tenancy only if a. and b. both apply or if c. applies:

a. your tenancy is for 6 months or more; and

b. your landlord served on you a Notice AT5 before the creation of the tenancy agreement between you; or

c. your tenancy is a second or subsequent short assured tenancy of the same house (for whatever period of time) and your first short assured tenancy of the house fulfilled a. and b. above.

WHEN TO USE THIS FORM

15. You should use this form to apply to the Private Rented Housing Committee if you wish the Committee to determine a rent for your short assured tenancy. But **note that you cannot apply if the rent payable under the tenancy is a rent previously determined by the Committee.**

IF YOU DO NOT APPLY TO THE COMMITTEE

16. If you do not apply to the Committee the rent your landlord currently charges will continue to have effect and any future rent increases provided for in your tenancy agreement will apply in due course.

NEGOTIATING WITH YOUR LANDLORD

17. If you are not happy with the rent you are paying because, for example, it seems higher than rents for similar tenancies in the area, it might in the first instance be helpful to discuss the matter with your landlord before applying to the Private Rented Housing Committee.

A DETERMINATION BY THE PRIVATE RENTED HOUSING COMMITTEE IS NOT GUARANTEED

18. The Committee may not make a determination on every application it receives. They will only make a rent determination for a short assured tenancy if they consider that there is a sufficient number of similar houses in the locality let on assured tenancies and the rent payable for your tenancy is significantly higher than the landlord might reasonably expect to receive having regard to rent levels in similar tenancies in the area.

AFTER THE PRIVATE RENTED HOUSING COMMITTEE'S DETERMINATION

19. The determination made by the Private Rented Housing Committee will take effect from a date decided by the Committee but it cannot be earlier than the date of your application to the Committee.

20. Once the determination is made you and the landlord cannot agree to increase the rent above the level set by the Committee.

21. The rent determined by the Private Rented Housing Committee will be the maximum rent payable for the tenancy for at least 12 months from the date on which it comes into effect.

22. You as a tenant cannot apply to the Private Rented Housing Committee for a second determination for the same tenancy.

FURTHER GUIDANCE

23. If you are uncertain about what kind of tenancy you have, or your rights, or uncertain about how to complete this form. you. should contact a solicitor or any organisation which gives advice on housing matters.

24. Further guidance on short assured tenancies is available in "Assured Tenancies in Scotland - A Guide for Landlords and Tenants". Copies are obtainable from any office of the Private Rented Housing Committee, Citizens Advice Bureau or Housing Advisory Centre or from any office of the Rent Registration Service.

25. The Private Rented Housing Committee is an independent body which does not charge a fee. A leaflet setting out its procedures is available from any of the organisations listed in paragraph 24.