

FORM AT5: FOR USE ONLY BY A LANDLORD

ASSURED TENANCIES

AT5

HOUSING (SCOTLAND) ACT 1988

**NOTICE UNDER SECTION 32 TO BE
SERVED ON A PROSPECTIVE TENANT
OF A SHORT ASSURED TENANCY**

IMPORTANT: INFORMATION FOR PROSPECTIVE TENANT(S)

This notice informs you as prospective tenant(s) that the tenancy being offered by the prospective landlord(s) is a short assured tenancy under Section 32 of the Housing (Scotland) Act 1988.

Please read this notice carefully.

Part 1 To
(name of prospective tenant(s))

NOTE 1 TO PROSPECTIVE TENANT.

TO BE VALID THIS NOTICE MUST BE SERVED BEFORE THE CREATION OF A TENANCY AGREEMENT. A SHORT ASSURED TENANCY WILL NOT EXIST IF A VALID NOTICE HAS NOT BEEN SERVED.

Part 2 I your prospective landlord(s)/I your prospective landlord's agent*
.....
(name of landlord(s))

of
.....
.....
(address and telephone number of landlord(s))

give notice that the tenancy being offered to you of the
house at
.....
.....
(address of house)

*delete as appropriate

to which this notice relates is to be a short assured tenancy in terms of Section 32 of the Housing (Scotland) Act 1988.

Signed
(landlord(s) or landlord's agent)

Date

NOTE 2 TO PROSPECTIVE TENANT.

A SHORT ASSURED TENANCY IS A SPECIAL FORM OF TENANCY. UNLESS IT FOLLOWS IMMEDIATELY AFTER ANOTHER SHORT ASSURED TENANCY OF THE SAME HOUSE, (WITH THE SAME TENANT). IT MUST BE FOR NOT LESS THAN 6 MONTHS.

NOTE 3 TO PROSPECTIVE TENANT.

A LANDLORD OF A SHORT ASSURED TENANCY HAS SPECIAL RIGHTS TO REPOSSESS THE HOUSE. IF THE LANDLORD TERMINATES THE TENANCY BY ISSUING A VALID NOTICE TO QUIT AND GIVES THE TENANT AT LEAST 2 MONTHS NOTICE (OR A LONGER PERIOD IF THE TENANCY AGREEMENT PROVIDES) OF HIS INTENTION TO REPOSSESS THE HOUSE THE COURT MUST GRANT THE LANDLORD AN ORDER ALLOWING HIM TO EVICT THE TENANT IF HE APPLIES FOR ONE AT THE END OF THE TENANCY PERIOD SET OUT IN THE TENANCY AGREEMENT.

Part 3 Address and telephone number of agents if appropriate:

of landlord(s) agent

of Tenant(s) agent

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NOTE 4 TO PROSPECTIVE TENANT.

A TENANT OF A SHORT ASSURED TENANCY HAS A SPECIAL RIGHT TO APPLY TO A PRIVATE RENTED HOUSING COMMITTEE FOR A RENT DETERMINATION FOR THE TENANCY.

NOTE 5 TO PROSPECTIVE TENANT.

IF YOU AGREE TO TAKE UP THE TENANCY AFTER YOUR LANDLORD HAS SERVED THIS NOTICE ON YOU YOUR TENANCY WILL BE A SHORT ASSURED TENANCY. YOU SHOULD KEEP THIS NOTICE IN A SAFE PLACE ALONG WITH THE WRITTEN DOCUMENT SETTING OUT THE TERMS OF TENANCY WHICH YOUR LANDLORD MUST PROVIDE UNDER SECTION 30 OF THE HOUSING (SCOTLAND) ACT 1988 ONCE THE TERMS ARE AGREED.

NOTE 6 TO PROSPECTIVE TENANT.

IF YOU REQUIRE FURTHER GUIDANCE ON ASSURED AND SHORT ASSURED TENANCIES, CONSULT A SOLICITOR OR ANY ORGANISATION WHICH GIVES ADVICE ON HOUSING MATTERS.

SPECIAL NOTES FOR EXISTING TENANTS

1. If you already have a regulated tenancy, other than a short tenancy, should you give it up and take a new tenancy in the same house or another house owned by the same landlord, that tenancy cannot be an assured tenancy or a short assured tenancy. Your tenancy will continue to be a regulated tenancy.
2. If you have a short tenancy under the Tenants' Rights Etc (Scotland) Act 1980 or the Rent (Scotland) Act 1984 your landlord can offer you an assured tenancy or short assured tenancy of the same or another house on the expiry of your existing tenancy.
3. If you are an existing tenant and are uncertain about accepting the proposed short assured tenancy you are strongly advised to consult a solicitor or any organisation which gives advice on housing matters.

ASSURED TENANCIES

HOUSING (SCOTLAND) ACT 1988

**NOTES FOR LANDLORDS TO BE READ WITH NOTICE AT5.
THESE NOTES ARE FOR GUIDANCE ONLY AND ARE NOT A DEFINITIVE
INTERPRETATION OF THE LAW**

WHEN TO USE THIS NOTICE

1. You should use this notice only when you wish to inform a prospective tenant or tenants that the tenancy being offered by you is a short assured tenancy under Section 32 of the Housing (Scotland) Act 1988.
 2. You must serve the notice on the prospective tenant or tenants before the creation of any tenancy agreement. If it is not served before the creation of the tenancy agreement the tenancy will not be a short assured tenancy.
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ABOUT SHORT ASSURED TENANCIES

3. A short assured tenancy is a special form of assured tenancy which in the first instance must be for not less than 6 months. It gives you special rights to repossess the house (see paragraph 4) and special rights for tenants to apply to a Private Rented Housing Committee for a rent determination (see paragraphs 5 and 6).

Repossession of the property

4. As landlord, if you obtain a possession order from the Sheriff, you may repossess the house you are letting on the short assured tenancy. Before applying for a possession order you must:
 - 4.1 Issue a valid Notice to Quit to terminate the tenancy at its expiry date, and not offer your tenant another tenancy:
 - 4.2 Give your tenant notice of your intention to apply for the order. The notice must be for at least 2 months unless your tenancy agreement provides for a longer period. If you fulfil these 2 conditions the Sheriff must grant you the order.

Rent

5. Unless a rent for the tenancy has already been determined by a Private Rented Housing Committee, a tenant of a short assured tenancy has a right to seek a rent determination from a Private Rented Housing Committee at any time during the tenancy. On receiving an application, the Committee will consider if it is appropriate to determine a market rent.
 6. The Private Rented Housing Committee will make a rent determination only if it considers there is a sufficient number of similar houses in the locality let on assured tenancies and the rent payable for the tenancy is significantly higher than the landlord might reasonably expect to charge having regard to rent levels for those tenancies. A rent determination made by the Committee will be the maximum payable for the tenancy from the date specified.
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HOW TO USE THIS NOTICE

7. Before you and your prospective tenant make a binding agreement to let a house, you should complete Parts 1, 2 and 3 of the Notice. The Notice should then be given or sent to the prospective tenant or tenants. The tenancy will be a short assured tenancy as long as you have fulfilled all your requirements. The tenant should keep the Notice with the written document setting out the terms of the tenancy which have been agreed, and which must be provided by a landlord under Section 30 of the Housing (Scotland) Act 1988. You are also advised to keep a copy of Notice AT5 for your own records.

FURTHER GUIDANCE

8. If you are uncertain about the question of tenancy status or uncertain about how to complete this Notice, you should consult a solicitor or any organisation which gives advice on housing matters.

9. Further guidance on assured and short assured tenancies is available in “Assured Tenancies in Scotland – A Guide for Landlords and Tenants”. Copies can be obtained from any office of the Private Rented Housing Panel, Citizens Advice Bureau, Housing Advisory Centre or from any office of the Rent Registration Service.
