

Guide to Proce

GUIDETO PROCEDURES



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Introduction

This guide sets out the procedures for the Accreditation Scheme for private renting in Dundee. It explains how the Accreditation Scheme will operate and the Code of Standards that accredited private landlords and letting agents will be expected to adhere to.

The use of the word 'Landlord' throughout this document refers to private landlords and letting agents.

HOW THE SCHEME WILL WORK

Any private landlord or letting agent who lets property within the City of Dundee can apply to join the Accreditation Scheme.

Private landlords and letting agents agree to meet the Code of Standards set out by the Accreditation Scheme.

Dundee Landlord Accreditation (DLA) may consider any evidence which suggests that a landlord does not currently comply with standards at the point of application. The decision to accept an application is the responsibility of Dundee Landlord Accreditation.

The Accreditation Scheme will inspect a sample of properties and interview tenants at any point to ensure that landlords are complying with the Code of Standards.

Landlords may be removed from Accreditation if they fail to meet the requirements of the Code of Standards.

Fees

There is no fee for membership, however, this is subject to change in the future.

HOW TO APPLY FOR ACCREDITATION

Only those landlords and letting agents who have been 'Approved' under the Landlord Registration scheme will be considered for membership of DLA (resident landlords are exempt from landlord registration).

Interested landlords and letting agents will be provided with an application pack. If the landlord or letting agent wishes to proceed, the application form should be completed and returned, along with a style copy of their tenancy agreement.

It is the responsibility of the landlord or letting agent to make sure that they comply with the Code of Standards.

If some properties do not meet the standards an improvement plan with a timescale must be submitted along with the application.

The application form and signed declaration will confirm that landlords have assessed their tenancy and property management and that it complies with the Code of Standards.

Acceptance for accreditation relies on self-certification, therefore trust. Any landlord or letting agent found to have misled DLA will be barred from participating in the scheme.

Landlord's details will be entered onto the Accreditation Register and they will receive a certificate and membership card to show that they have been accredited.

MEMBERSHIP

On membership being granted a Membership Pack will be forwarded to the landlord or letting agent which includes:

- A Certificate and Membership Card.
- Tenancy Handbook.

Dundee Landlord Accreditation will ensure that a tenants' handbook is sent to all properties on membership being granted. However, it then becomes the landlord's responsibility to ensure that a handbook is present in a property at the start of a new tenancy. Additional tenancy handbooks are available from DLA on request.

Refusal of Membership

Should there be evidence that a landlord does not comply with the Code of Standards or has been engaged in activities in the past which would be considered inappropriate, the landlord or letting agent may be refused membership of the scheme.

If the landlord or letting agents disagrees with the decision to refuse membership, they may appeal to the Partnership, who will hear and assess the case.

Appeals Process

The Partnership investigates refusals and complaints that cannot be resolved by the Accreditation Scheme staff. It is made up of representatives of stakeholder groups.

The landlord or letting agent is invited to attend a hearing and to put their case forward. All parties concerned have the right to ask questions.

The Partnership will notify the landlord or letting agent of their final decision in writing.

CODE OF STANDARDS

Dundee Landlord Accreditation has adopted the Code of Standards for Private Renting in Dundee. This is largely based on the National Core Standards produced in consultation with landlords and consumer groups by Communities Scotland and the Scottish Executive.

The Code of Standards aims to help landlords and tenants by promoting good practice and awareness of landlord and tenant obligations.

The Code of Standards can be divided into nine broad categories:

- Communication with the Tenant.
- Equality issues, Complaints and Disputes.
- Management of the Tenancy.
- Minimum Property Condition.
- Repairing Standard.
- Repairs and Maintenance.
- Facilities and Fittings.
- Heating Insulation and Energy Efficiency.
- Health, Safety and Home Security Features.

Within each category a set of specific standards are elaborated which are a mixture of current statutory standards and non-statutory good practice standards.

Further details of the standards can be found in the booklet Code of Standards for Private Renting in Dundee.

COMPLIANCE WITH THE CODE OF STANDARDS

To become a member of Dundee Landlord Accreditation, landlords and letting agents will be required to sign a declaration agreeing to uphold the standards set out in the Code of Standards. Compliance with the Code of Standards will be checked by the accrediting body. These checks will take the form of selective property inspections, interviews with tenants and spot checking Tenancy Agreements. Where requested, landlords and letting agents would be required to submit relevant safety certificates for specific properties.

Non-Compliance with Code of Standards

The Accreditation Scheme will not normally consider a complaint unless it is satisfied that the complainant has exhausted a members own complaints procedure, nor if the matters are subject to formal legal action.

Complaints sent to the Scheme must be in writing and clearly state:

- What breach of the code has been made.
- Any steps taken to bring this breach to the landlord/agents notice.
- An indication of the timescale involved concerning a particular problem.
- A contact address and telephone number for the person making the complaint.

Upon receiving the complaint the Scheme will check that it fulfils the above criteria and then acknowledge receipt of the complaint.

Once a complaint is received the landlord or letting agent of the property will be written to, informing them of the complaint and giving them seven working days in which to respond.

It is expected that reporting a complaint will result in that landlord or letting agent taking any necessary remedial action immediately.

Where an alleged breach of the Code has been reported to the Accreditation Scheme and is being investigated landlords and letting agents will co-operate with the investigation.

Following the investigation, where reasonable recommendations to rectify an apparent breach have been made, the landlord or letting agent will comply with these recommendations.

Sanctions available to Dundee Landlord Accreditation include:

- To recommend that the member apologise, in writing, to the appropriate person for the relevant conduct, action or omission.
- To recommend to the member that they refund all or some part of fees or charges previously made, in recognition of the conduct, action or omission.
- To recommend that the member change their procedures or documentation arising from the facts disclosed by a complaint, breach or infringement, which has been upheld.
- To recommend to the parties other, more appropriate, ways of resolving the complaint or dispute including mediation.
- To reprimand or severely reprimand the member for their conduct, action or omission.
- To suspend the member from membership of the Accreditation Scheme.
- To remove the landlord or letting agent from the Accreditation Scheme.
- Any combination of the above or any other reasonable action, which the scheme feels appropriate in order to support high standards within the industry and amongst its membership.

Rights of Appeal

Landlords and agents have a right of appeal if they consider any complaints against them to be incorrect. Appeals will be treated as previously stated.

Breaches of the Code

The types of breaches of the Code fall into two categories:

Persistent Problems

This category covers persistent minor management problems, or minor breaches of the physical standards. For example:

- Failure to repair a broken door.
- Properties not ready at the start of the tenancy.

If it is confirmed that the landlord or letting agent has consistently failed to comply with the Code of Standards, the landlord or letting agent will be given between 7-28 days to correct the problem depending on its seriousness.

Serious Management Problems

This category covers serious management problems or serious breaches of the physical standards. For example:

- Serious management problems such as harassment, assault or illegal eviction.
- Serious breaches of the physical standard such as failure to deal with or rectify problems within 24 hours where there is imminent risk to health.

Following investigation a response from the landlord or letting agent will be required within 7 days. The scheme may also decide to pass the complaint over to other authorities.

REMOVAL FROM THE SCHEME

Withdrawal of membership is at the discretion of the Accreditation Scheme. However, membership will automatically be withdrawn if a landlord or letting agent where found guilty of any of the following:

- Supplying fraudulent information to the scheme.
- Harassment, assault, illegal eviction or any other unlawful action.
- Failure to respond to complaints or to comply with the recommendations.
- Failure to rectify problems which represent an imminent risk to health, within 24 hours.
- Failure to apply for a HMO Licence (where appropriate).
- Several cautions for similar offences.

When a landlord or letting agent is to be removed from the Scheme they will be notified of this in writing within 7 working days of the decision being made. A landlord or letting agent who loses their accredited status will no longer be participants of or eligible for any of the benefits of the Scheme and may not use the DLA logo on any publicity/promotional material.

Depending on the nature of the case, a landlord or agent who has had their membership revoked may be able to reapply for accreditation after a certain period of time. Timescales can be set by either the Partnership or the Appeals Panel.

Disciplinary action will be reported in an open and transparent way to demonstrate that the Scheme is being enforced.



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Designed by DCC, Public Relations FA/07/13