

FORM AT2: FOR USE ONLY BY A LANDLORD

ASSURED TENANCIES

AT2

HOUSING (SCOTLAND) ACT 1988

**NOTICE UNDER SECTION 24(1) OF AN INCREASE OF
RENT UNDER AN ASSURED TENANCY**

IMPORTANT: INFORMATION FOR TENANT(S)

This notice informs you as tenant(s) that your landlord(s) wish(es) to increase the rent for your assured tenancy. The new rent will take effect unless you reach an agreement with your landlord that the rent should be a different amount or unless you refer this notice to a Private Rented Housing Committee for a rent determination using a special form AT4. If you do apply to the Committee you must do so before the date on which the new rent is due to take effect. You should give your landlord your response to the proposed new rent by returning to him Part 3 of this notice.

Please read this notice carefully before responding

Part 1 To

(name of tenant(s))

of

.....

.....

(address of tenant(s))

NOTE 1 TO TENANT.

YOUR LANDLORD MUST GIVE YOU AT LEAST THE FOLLOWING AMOUNT OF NOTICE OF A RENT INCREASE. IF THE ASSURED TENANCY IS FOR 6 MONTHS OR MORE, 6 MONTHS NOTICE MUST BE GIVEN. IF THE TENANCY IS FOR LESS THAN 6 MONTHS, THE NOTICE GIVEN MUST BE THE SAME LENGTH AS THE ORIGINAL TENANCY BUT CANNOT BE LESS THAN ONE MONTH.

Part 2. This gives you notice that
of (name of landlord)

.....
.....
.....
..... (address of landlord)

proposes to charge a new rent of £
[per year]* [per month]* [per week]*

for your tenancy of the house at the address in Part 1.

The new rent is to take effect from(date)

Signed(Landlord(s)/Landlord's Agent)

Date

Address of Agent (if appropriate)

.....
.....

IMPORTANT: FOR THE ATTENTION OF TENANT(S) NOTES 2 TO 4

2. A LANDLORD MAY PROPOSE A NEW RENT BY THIS MEANS ONLY IF THE TENANCY IS A STATUTORY ASSURED TENANCY. IF YOU ARE IN DOUBT ABOUT WHAT KIND OF TENANCY YOU HAVE YOU SHOULD CONSULT A SOLICITOR OR AN ORGANISATION WHICH GIVES ADVICE ON HOUSING MATTERS.

3. THE PROPOSED NEW RENT WILL TAKE EFFECT ON THE DATE SPECIFIED UNLESS YOU REACH SOME OTHER AGREEMENT WITH YOUR LANDLORD OR UNLESS YOU REFER THE NOTICE TO A PRIVATE RENTED HOUSING COMMITTEE FOR A RENT DETERMINATION BEFORE THE DATE ON WHICH THE NEW RENT TAKES EFFECT.

4. IF YOU DECIDE TO REFER THIS NOTICE TO THE PRIVATE RENTED HOUSING COMMITTEE YOU MUST DO SO USING FORM AT4 (OBTAINABLE FROM THE CLERK TO THE PRIVATE RENTED HOUSING COMMITTEE, THE RENT REGISTRATION SERVICE, CITIZENS ADVICE BUREAU OR HOUSING ADVISORY CENTRE). THE APPLICATION SHOULD BE MADE TO THE LOCAL PRIVATE RENTED HOUSING COMMITTEE (SEE TELEPHONE BOOK FOR ADDRESS). THE PRIVATE RENTED HOUSING COMMITTEE IS AN INDEPENDENT BODY WHICH CHARGES NO FEE.

*delete as appropriate.

IMPORTANT: FOR THE ATTENTION OF TENANT(S) NOTES 5 TO 7

5. YOUR LANDLORD CANNOT INCREASE YOUR RENT BY THIS METHOD MORE OFTEN THAN ONCE EVERY 12 MONTHS.

6. DETACH PART 3 AND RETURN IT TO YOUR LANDLORD AS SOON AS POSSIBLE. HOWEVER IF YOU WISH TO DISCUSS THE PROPOSED NEW RENT WITH YOUR LANDLORD DO NOT COMPLETE PART 3 NOW. BUT REMEMBER IF YOU DECIDE TO REFER THE NEW RENT TO THE PRIVATE RENTED HOUSING COMMITTEE YOU MUST DO SO BEFORE THE DATE ON WHICH THE NEW RENT IS DUE TO TAKE EFFECT.

7. THIS IS AN IMPORTANT DOCUMENT AND IT SHOULD BE KEPT IN A SAFE PLACE.

Part 3. (This part is for the use of the tenant).

To
(landlord*landlord's agent)

*I/We acknowledge receipt of the notice AT2 dated20..... and give you notice that

*I/We accept the new rent to apply from

..... 20.....

*I/We do not accept the new rent to apply from

..... 20.... and

propose to refer the matter to a Private Rented Housing Committee for a rent determination.

Signed(Tenant/Tenant's agent)

(If the tenancy is a joint tenancy all tenants or their agents should sign)

Date

Address of tenant's agent(s) (if appropriate)

.....
.....
.....

*delete as appropriate.

ASSURED TENANCIES

HOUSING (SCOTLAND) ACT

NOTES FOR LANDLORDS - TO BE READ WITH NOTICE AT2. THESE NOTES ARE FOR GUIDANCE ONLY AND ARE NOT A DEFINITIVE INTERPRETATION OF THE LAW.

TYPES OF ASSURED TENANCY

1. Your tenant's assured tenancy is either a "**contractual**" or "**statutory**" assured tenancy. If you are not sure which kind of tenancy your tenant has, read paragraph 2. If you know the kind of tenancy your tenant has go on to paragraph 3.

2. A "**contractual assured tenancy**" is a tenancy for which the contract between you and the tenant is still in force.

A "**statutory assured tenancy**" is a tenancy for which the contractual assured tenancy has ended because you have, (or your tenant has) issued a notice to quit, but your tenant continues to live in the house by virtue of the security of tenure provisions in section 16 of the Housing (Scotland) Act 1988. Your tenant may also have a statutory assured tenancy if he succeeded to the tenancy.

WHEN TO USE THIS NOTICE

3. You may serve this notice on your tenant only in the following circumstances:-

a. You wish to increase the rent to take effect immediately after the termination of a contractual assured tenancy; or

b. A notice to quit has been served or the tenant has succeeded to the tenancy and the tenancy is a statutory assured tenancy for which you wish to increase the rent.

In either case the proposed rent increase must not take effect earlier than 12 months after the rent was last increased.

4. You should also note that you may not need to use this rent increase procedure if the tenancy agreement includes a rent increase mechanism. If you are in doubt about this consult a solicitor or any housing organisation which gives advice on housing matters.

GIVING THE RIGHT AMOUNT OF NOTICE

5. You should note that you must give your tenant the correct amount of notice of a rent increase. If the assured tenancy is for 6 months or more 6 months notice must be given. If the tenancy is for less than 6 months, notice must be the same length of time as the original tenancy but cannot be less than one month.

HOW TO COMPLETE THIS NOTICE

6. As landlord you should complete Parts 1 and 2 of this notice. You should leave Part 3 blank. This is for the use of your tenant when giving you a response to the proposed new rent.

HOW TO SERVE THE NOTICE

7. After you sign and date Notice AT2 you must take steps to ensure your tenant receives it as soon as possible. A notice can be served validly on a tenant only in the following ways:-

- a. by delivering it to him; or
 - b. by leaving it at his last known address; or
 - c. by sending it by recorded delivery letter to him at that address.
-

YOUR TENANT'S RESPONSE

8. Your tenant should respond to Notice AT2 by returning Part 3 to you. Please ensure your tenant knows whether this should be sent to you or to an agent who deals with your affairs.

9. Using Part 3 of the Notice the tenant will respond in one of two ways or may ask to discuss your proposed new rent with you (see paragraph 10).

The two ways are: -

- a. by accepting your proposed new rent

if your tenant accepts the new rent it will take effect from the date you proposed in the Notice;

- b. by indicating that the proposed rent is not acceptable and the Notice is being referred to a Private Rented Housing Committee;

if your tenant indicates that he wishes to refer your rent proposal to a Private Rented Housing Committee this must be done before the date on which you propose the new rent is to take effect.

NEGOTIATING WITH YOUR TENANT

10. If your tenant contacts you to ask for an opportunity to discuss your proposals with you, both you and the tenant must bear in mind the need to hold the discussion in good time to allow the tenant the option of referring Notice AT2 to the Private Rented Housing Committee.

FURTHER GUIDANCE

11. If you are uncertain about the kind of tenancy your tenant has or uncertain about how to complete this notice, 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 an office of the Private Rented Housing Committee, Citizens Advice Bureau, Housing Advisory Centre or from 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.