

## 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**

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### 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 Rent Assessment 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; and
  - 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 Rent Assessment Committee, a tenant of a short assured tenancy has a right to seek a rent determination from a Rent Assessment 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 Rent Assessment 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. It is recommended that a separate Notice AT5, be given to each prospective tenant **prior** to the commencement of the tenancy. An original Notice AT5 is completed by the landlord or agent and each tenant should acknowledge receipt of this by signing the declaration at Part 4 of the Notice AT5. Provision has also been made for the date and time of both landlord and tenant signature to be inserted on the form. Both landlord and tenant should retain an original Notice AT5, duly signed by both parties for their own records.

### Example - 3 tenants are about to share a flat

The landlord requires six Notice AT5's which he should complete. Each Tenant should individually complete two Notice AT5s, retaining an original copy for their own records and giving an original to the landlord.

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.

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## 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 tenancies is available in "Assured Tenancies in Scotland - A Guide for Landlords and Tenants". Copies can be obtained from any office of the Rent Assessment Panel, Citizens Advice Bureau, Housing Advisory Centre or from any office of the Rent Registration Service.
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