

Mr Paul McLennan, Minister for Housing
Directorate for Local Government and Housing
Scottish Government

Email - ministerhousing@gov.scot

6th September 2023 – sent by e-mail.

Dear Mr McLennan

Registered Social Landlords – Rent Increase Notification Process for Tenants

I write on behalf of Pineview Housing Association to thank you for your reply correspondence sent through Carolynne Watson (BET: Housing Legislation and Reform).

We note the view of the Scottish Government officials is that the intention of the Act was standard delivery. However, this is not what the acts states and we do not feel we can confirm to the Scottish Housing Regulator that we are meeting all our legislative requirements if we use standard post.

We also do not think any court would side with us if an increase notification was challenged, specifically after we have identified the concern – while some others are content to rely on a defence of custom and practice, we are not. Some have advised that they think it is a matter of risk assessing and each organisation deciding the risk that it is prepared to take. We do not believe that compliance with our legislative requirements is suitable for this risk assessment process, instead believing that if we have a legislative requirement we should comply. We also think tenants might be unhappy to think we just pick and choose which legislation we want to follow.

We have shared our view with solicitors and have received the following opinion:

While deciding on whether to serve by first class or not, is certainly a risk based approach and organisations that do serve by first class run the risk of challenge (and more likely than not a successful challenge). It is clearly a vexed issued and one that requires further consideration from Scottish Government.

As such, we very much welcome your commitment to consider any action that could be taken to address this issue and we look forward to receiving an update on this when the matter is considered.

Yours sincerely



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c.c. Scottish Housing Regulator, SFHA