



T : 0300 244 4000
E : scottish.ministers@gov.scot

Joyce Orr
j.orr@pineview.org.uk

Our Reference: 202400442303
Your Reference: Pineview HA Rent Increase Notification

6 December 2024

Dear Joyce Orr,

Thank you for your correspondence of 21 November in relation to serving of rent increase notifications, which follows from your correspondence with myself and with officials dating from August 2023.

From your correspondence, I understand that to meet the existing legal requirements, Pineview Housing Association currently deliver rent notices by hand, which is an established method of delivery under the Housing (Scotland) Act 2001. I am aware that many other social landlords also do so as part of their routine housing management activities.

It may be helpful to clarify that the Bill provides for two additional methods of delivery to the existing methods.

One is for electronic delivery, reflecting increased use of web-based tenancy management systems, email and paperless communications, which over time is likely to become the default for the majority of tenants and will be primarily cost neutral for landlords. The other is for a tracked postal service to point of delivery which removes the requirement for a signature.

The process for service of rent increase notifications has a level of formality in legislation as once served, a notice period begins to count down- for rent increases, 28 days. Consequently, there needs to be certainty that the notice has been delivered to the tenant (which a tracked service provides, but regular post would not).

In Scotland, service of documents generally has a connotation of legal formality with section 26 of the Interpretation and Legislative Reform (Scotland) Act 2010 ('ILRA') being the default position. This sets

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out that service can only be given by personal delivery to the person, by a method of post that can be recorded, or by agreed electronic transmission.

We have carefully considered further whether an amendment to the existing Bill provisions to allow delivery by normal post is required but consider that the proposed amendments appropriately expand the range of delivery methods available to landlords, while preserving notice period and verification of service requirements.

I hope this information is useful to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul McLennan', with a long horizontal flourish underneath.

PAUL McLENNAN

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St Andrew's House, Regent Road, Edinburgh EH1
3DG
www.gov.scot



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