

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

Email - MinisterforHousing@gov.scot

10 December 2024 – sent by e-mail only.

Ref: 202400442303

Dear Mr McLennan

Registered Social Landlords – Rent Increase Notification Process for Tenants

I refer to the above and our previous correspondence on this matter and thank you for your letter of 6 December 2024 – copy attached to this email communication.

You are correct that Pineview, in order to meet existing legal requirements, have delivered rent notices by hand in 2023 and 2024 and will do so again in 2025. We have only undertaken this resource intensive process since it came to light in 2023 that standard post was not sufficient. Until that point, like most RSLs, we used standard post.

You state in your response that many other RSLs also deliver by hand, please could you advise on where the data and statistics are recorded that show this. It is our understanding that the vast majority of Scottish RSLs send rent notifications by post – our understanding of this is from discussing the matter with many RSLs and with the SFHA, the representative body for most RSLs in Scotland. Any evidence contrary to our belief would be really beneficial for us to share with our customers so they are assured that Pineview is not alone in using resources for hand delivery, which tenants view as wasteful.

Thank you for clarifying the two additional methods of delivery that the bill provides for. Unfortunately neither of these adequately address the issue.

In respect of electronic delivery, many customers do not have access to, nor do they want access to, electronic services. Also, as highlighted in previous correspondence, many customers change their electronic contact details (e-mail address, telephone etc.) frequently and may therefore not receive a notification sent in this way. For example, old e-mail addresses are not always cancelled by customers and these old email address can still receive electronic mail but it is not checked by customers – so customers will not receive the notice and we will not be advised of any non-delivery. This method of delivery will not therefore deliver what you advise is required, that is, it will not give certainty that the notice has been delivered to the tenant. If the priority is to ensure that tenants are aware of any changes then sending by electronic means cannot guarantee that.

Additionally, the proposal in the housing bill will only add the possibility of email being used for formal service of documents if the intended recipient agrees in advance that email service will be acceptable. It is likely, given our current experience and attempts to encourage electronic communication, that we will have a significant number of tenants who will simply not agree, either because they do not want delivery by this method or are

unable to receive e-mail delivery. Whereas standard post is free for recipients, electronic receipt has costs – receipt by electronic means requires the recipient to have a service provision and a device to enable receipt, both of which come at a cost to them as the recipient.

In respect of tracked post, this is both a very administratively cumbersome and expensive option. The set up for hundreds of letters is both time consuming and complicated, and the postage cost is considerably more - £3.60 as opposed to £0.85 per letter.

Therefore, neither the electronic or tracked post delivery options address the concern about tenants rent resources being spent on cumbersome and complex systems that might still not achieve what is intended.

We note what you state about the Interpretation and Legislative Reform (Scotland) Act 2010 (ILRA 2010), however it is our understanding that the requirement about the method of service derives from Section 40 of the Housing (Scotland) Act 2001, while the ILRA 2010 only applies to legislation passed by the Scottish Parliament after the 2010 Act and only where that legislation is silent on the matter. It is therefore our understanding that the current housing bill could contain different delivery methods, and specifically state that standard post can be used, without any ILRA 2010 implications. It also our understanding that the general law can be overruled by the specific terms of a Statute, so if the Scottish Parliament wanted to include the option for standard post it could be done.

It is clear from your communication that the Scottish Government view is that, at present, standard post is not permitted for time related notices such as rent change notifications. As most landlords use standard post for this purpose (not being aware or accepting of the restriction) it would be beneficial that information on this restriction is shared widely with Scottish RSLs in order that they can adjust their approach in order to comply with this legality and advise their tenants accordingly. This could easily be achieved through a communication from the Scottish Government or the sector regulator, the Scottish Housing Regulator. This would assist RSLs to meet their responsibilities and assure their tenants that legislative requirements are being complied with.

You current advice on standard post not being permitted is different from what has previously been advised by Scottish Government officials. Through correspondence with SFHA, it was noted that the view of the Scottish Government officials was that the intention of the previous Act was that standard post delivery would be used for rent notifications. It would therefore be beneficial to clarify the actual requirement with officials so that there is no confusion created when giving advice or interpretation on this matter.

We will advise our tenants of this latest update and thank you again for your communication on this matter.

Yours sincerely



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c.c. Scottish Housing Regulator; legal representatives; SFHA;
Local Government, Housing and Planning Committee