

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

Email - [MinisterforHousing@gov.scot](mailto:MinisterforHousing@gov.scot)

7 February 2025 – sent by e-mail only.

You Ref: 202400444735

Dear Mr McLennan

### **Registered Social Landlords – Rent Increase Notification Process for Tenants**

I refer to the above and our numerous previous correspondence on this matter and thank you for your letter of 20 January 2025 – copy attached to this email communication.

We note what you state about the Interpretation and Legislative Reform (Scotland) Act 2010 (ILRA 2010). However, as explained in our previous correspondence, it is our understanding that the requirement about the method of service in respect of rent increase notifications 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. Please could we have an explanation as to the reasoning of why the Scottish Government refers to the ILRA as the default.

As per our previous correspondence, it is our understanding that the current housing bill could contain different delivery methods and could 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.

You state that the three options for service (personal delivery to the person; a method of post that can be recorded; or electronic transmission that has been agreed in advance) provides certainty that rent increase notifications have been delivered to tenants, and certainty of the date of delivery, but in reality this is not the case as highlighted in our previous correspondence, copied below in green text.

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.

You previously stated that many RSLs deliver by hand. We asked where the data and statistics are recorded that show this, however, we have not received a response to this query and therefore ask again for this information to be provided. If you require a FOI request to be submitted to allow you to provide this information please just let us know and we can arrange to submit a request.

You advise that careful consideration has been given to the question of whether any amendment to the existing Bill provisions is required in order to allow for delivery by standard post. However, you do not explain what the outcome to this question was and why the option of standard post has not been incorporated. The proposed amendments may, in the view of the Scottish Government, increase options but they have not been expanded to include standard post. Amendments could still be made to allow this.

As stated in our previous correspondence, most landlords use standard post for the delivery of rent increase notifications, either through not being aware or not accepting of the legal position that prevents this being a valid service. As such, it would be advisable that the Scottish Government ensure that information on the legally allowed service methods is shared with all Scottish RSLs in order that they can adjust their approach and 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.

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