

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

Email - [ministerhousing@gov.scot](mailto:ministerhousing@gov.scot) 21 November 2024 – sent by e-mail only.

Ref: 202400407901

Dear Mr McLennan

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

I refer to the above and our previous correspondence on this matter, dating from August 2023.

Sadly, we are advised that the rent increase notification issue has not been resolved and that rent notifications will still require to be sent by recorded delivery or hand delivery rather than standard Royal Mail post. Our Committee considered this matter last night and requested staff to continue to pursue the matter with the Scottish Government and relevant sector bodies.

We appreciate that measures are proposed to enable an option of digital delivery by e-mail. However, this will exclude many tenants who do not wish to communicate by this method. It could also result in notification not being received by tenants if they have changed their e-mail address and have not shared this with us, as is a common occurrence.

We note the view of the Scottish Government officials that the intention of the previous Act was standard delivery. However, this is not what either the legislation or the current bill states – surely if that had been the intention of the existing legislation it would have been clarified and resolved through the new bill? As a registered social landlord 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. As such, Pineview will continue to have rent increase notification letters hand delivered by staff members. However, this is clearly an expensive option that costs much more than standard Royal Mail post. Whilst we believe we require hand delivery to mitigate risk and to ensure tenants receive the notifications, we feel this is a waste of our tenants rent money, a waste which could be easily resolved by a small amendment to the current Bill.

As previous, we are advised by legal opinion that if an increase notification, sent by standard post, was challenged it is unlikely that any court would accept a defence that standard post was ‘custom and practice’, specifically after the concern with standard post delivery has been identified and notified to the Scottish Government, the SHR, legal representatives and various sector bodies. While others may be content to rely on a defence of custom and practice and use this as their reasoning to continue to serve in contravention of the Act, Pineview is not. We fully appreciate that it is for each RSL to take its own risk measurement on this matter and we clarify that this correspondence is

sent only on behalf of Pineview Housing Association Ltd. Likewise, how the SHR, as the regulatory body, determine to deal with RSL contraventions of notification requirements is a matter for them, rather than Pineview.

As advised previously, Pineview does not believe that our compliance with legislative requirements is suitable for a risk assessment process, instead we believe that if we have a legislative requirement we should comply. We also think tenants might be dissatisfied to think we just pick and choose which legislation we want to follow.

We advised previously on our received legal opinion that this is a matter for Scottish Government:

“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.”

We appreciate that the Bill is still at Stage 1 and therefore we write to request that consideration be given to an amendment at Stage 2 to allow standard post to be used for rent increase notification purposes.

We appreciate that it is the Local Government, Housing and Planning Committee that is dealing with the Bill and we will therefore also write to members of the committee to ask that this be considered.

We will advise our tenants of this latest update.

Yours sincerely



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