



The Private Rented Housing Panel

Resolving disputes between
private tenants and landlords

The Scottish Model

Bigger and Better Conference - 6 Nov 2014



Current dispute resolution procedure in SPRS

Preventing housing disputes arising by

- Making landlords and tenants aware of rights and obligations
- Encouraging landlords to follow best practice
- Having a legislative framework to promote prevention of disputes e.g. tenancy deposit schemes



Current dispute resolution procedure in SPRS

Informal routes to dispute resolution

- Encouraging dialogue between landlords and tenants, and
- Mediation- voluntary, confidential and flexible process using 3rd party mediator – some disputes appear to suit mediation better than others.
- Barriers to mediation – availability of trained mediators; willingness of parties to try it; some parties want a hearing



Current dispute resolution procedure in SPRS

Formal determination stages in Scotland

- Sheriff Court (civil) – evictions (ASB and arrears); breaches of tenancy and statutory obligations; landlord registration appeals
- Sheriff Court (criminal) – landlord registration offences; illegal evictions;
- Prhp (Tribunals) – private sector repairs and rent assessments for certain tenancy types



Legislative changes

Housing (Scotland) Act 2014

- PRS First-tier housing tribunal with appeal route to Upper-tier tribunal – transfer PRS cases presently heard in the sheriff court to tribunals
- Letting agent regulation and tribunal
- Prhp enhanced powers – 3rd party applications for repair cases; (and landlord applications for access to tenanted houses for inspections/ works – PRH(S)A 2011)



Differences from courts

- Specialist nature of tribunal judges and tribunal membership
- Relative informality of tribunal hearings as compared to court proceedings
- Less adversarial and more inquisitorial approach than encountered in the courts
- Fees and costs
- More enabling approach than typically is found in the courts



Questions

