



The [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) came into force on 28 October 2022, introducing restrictions on rent increases and evictions during the time it is in force. The Act set a maximum permitted rate of a rent increase of zero for the period to 31 March 2023. The Act is expected to be in force until 31 March 2024 and cannot be increased beyond this date.

#### Restrictions on rent increases

Amendments were then made to The Act, allowing private landlords to raise rents up to a maximum of 3% from 1 April 2023. For tenants on a PRT, the notice period is 3 months so the increase could not come into force until July 2023. Any rent increase notices issued prior to 1 April 2023 were capped at 0% and therefore voided by the current legislation, even if they came into force after 1 April 2023.

You will have been issued with a Rent Increase Notice after 1 April 2023 and this will detail the appeals process if you feel the increase is unfair.

It is important that you do not just stop paying your rent if you find that your financial situation prohibits you from meeting the rent payments. You must contact your landlord to discuss your options and get advice. Your tenancy agreement is legally binding and you will be liable for all rent payments and any arrears due. It is vital for both tenant and landlord that these are not allowed to build up to unmanageable levels.

Landlords are permitted to raise the rent by any amount between tenancies – it is only mid tenancy increases which are affected by the rent increase restrictions.

## TENANT FACTSHEET

# Cost of Living Act (Tenant Protection) (Scotland) 2022

### Restrictions on evictions

Landlords can serve notice as normal if they wish to end a tenancy. If the tenant doesn't leave during the notice period, the landlord can apply to the First Tier Tribunal <https://www.housingandpropertychamber.scot/> for an eviction order. However, current legislation delays a landlord from enforcing an eviction order issued by the tribunal, in some circumstances for up to 6 months.

### Changes to eviction grounds

In addition to the 18 grounds for eviction that are detailed in the Easy Read Notes for the PRT, an additional 3 temporary grounds have been implemented.

- **1A. Landlord intends to sell property to alleviate financial hardship**

If the landlord is suffering financial hardship, and intends to alleviate that hardship by selling the let property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, an eviction notice can be issued. They'll need to evidence that they intend to sell and are experiencing financial hardship, such as a letter of advice from an approved money advisor or local authority debt advice service, a letter of advice from an independent financial advisor, a letter of advice from a chartered accountant, a letter of engagement from a solicitor or estate agent concerning the sale of the let property or an affidavit stating that the landlord has that intention.

- **4A. Landlord intends to live in let property to alleviate financial hardship**

If the landlord is suffering financial hardship, and intends to alleviate that hardship by occupying the let property as the landlord's only or principal home for at least 3 months, they'll need evidence to prove that they intend to live in the property and are experiencing financial hardship, for example a letter of advice from an approved money advisor or local authority debt advice service, a letter of advice from an independent financial advisor, a letter of advice from a chartered accountant and an affidavit stating that the landlord intends to live in the property.

- **12A. Tenant has substantial rent arrears**

An eviction notice can be issued if the tenant has accrued rent arrears under the tenancy in respect of one or more periods and the cumulative amount of those rent arrears equates to, or exceeds, an amount that is the equivalent of 6 months' rent under the tenancy when notice to leave is given to the tenant.

If you feel you need help paying your rent, there are sources of help available

  
<https://www.gov.uk/benefits-calculators>

**0800 328 5644**

  
**The Highland Council**  
**Comhairle na Gàidhealtachd**

Discretionary Housing

Payments and Welfare Support

[https://www.highland.gov.uk/directory\\_record/6377/discretionary\\_housing\\_payment](https://www.highland.gov.uk/directory_record/6377/discretionary_housing_payment)

**0800 090 1004**

  
**Help for Households**

<https://helpforhouseholds.campaign.gov.uk/>

  
**citizens advice scotland**

<https://www.cas.org.uk/>

**0800 028 1456**